

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
April 11, 2013

ESTHER HOWLAND CHAMBERS

Commission Members Present:

Karon Shea, Chairperson
Paul Mullan, Commissioner
Anthony Salvidio, Commissioner

Staff Present:

Joel Fontane, Director of Planning & Regulatory Services
Marlyn Feliciano, Planning & Regulatory Services
Alexandra Haralambous, Law Department
Janice Thompson, Law Department
Jim Foley, Inspectional Services

Call to Order –

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

Approval of the Minutes –

The Commission did not approve the minutes for 3/28/13. The minutes were not ready.

New Business

One Day Liquor Requests

1. 257 Park Ave – Konstantinos Singas

Petition: Request for two one day permits – April 27-28, 2013, September 15, 2013

Konstantinos Singas was present for this matter. He stated there are two events he wants to participate in. The September 15, 2013 event was for stART on the Street and he wants to be able to serve alcohol outside from 11 am to 6 pm. The other event is April 27 & 28 is in conjunction with St. Peter's Cathedral. It is a fundraiser for Greek Night and they expect 100-150 people. The hours will be from 10:00 pm to 1:00 am and the servers will be TIPS certified.

Upon a motion by Commissioner Mullan, the Commission approved the petition as submitted.

Exhibit A: Special One Day License Application dated and received March 28, 2013.

2. 30 Anna Street – St. George Cathedral

Petition: Request for one day permit – April 20, 2013

Judy Shaughnessy spoke on behalf of this request. She stated that this was a fundraiser for the cathedral. It will be a dinner and a dance for approximately 350 people. There will be off-duty police details for security and the event will run from 8:00 pm to 1:00 am.

Upon a motion by Commissioner Mullan, the Commission approved the event as submitted.

Exhibit A: Special One Day License Application dated March 19, 2013 and received March 29, 2013.

3. 535 Salisbury Street – St. Mary’s Assumption Albanian Orthodox Church

Petition: Request for 3 one day permits – May 31, 2013, June 1, 2013, June 2, 2013

Mark Baker was present representing St. Mary’s Assumption Albanian Orthodox Church. He stated the request was for the Albanian Festival, which is held every two years. It will take place May 31 – June 2 with the hours as outlined in the application. Mr. Baker stated he had already made arrangements for police details and is requesting only a beer and wine permit.

Upon a motion by Commissioner Mullan, the Commission approved the three-day event as submitted.

Exhibit A: Special One Day License Application dated March 24, 2013 and received March 28, 2013.

4. 28 Mulberry Street – St. Peter-Marion Jr.-Sr. High School Athletics

Petition: Request for one day permit – May 11, 2013

Tom Henrickson stated the event was for a dinner and dance to raise money for the athletic field. They plan to have 200-300 people in attendance from 6:00 pm to 11:00 pm. The request is for beer and wine only.

Upon a motion by Commissioner Mullan, the Commission approved the event as submitted.

Exhibit A: Special One Day License Application dated March 26, 2013 and received March 28, 2013.

Common Victualer – Food Only

5. 667 West Boylston Street – Golden Pita Grill

Petition: Request for common victualer license

Melinda McGraw stated she wanted to open a Mediterranean restaurant that serves Mediterranean fare and seafood. She stated everything will be grilled but they will also serve soups and pre-packaged items for takeout. The restaurant will be mostly for takeout with a few seats.

Upon a motion by Commissioner Mullan, the Commission approved the petition as submitted.

Exhibit A: Common Victualer License Application dated March 25, 2013 and received March 26, 2013.

6. 11 Tobias Boland Way – Jakes Wayback Burgers

Petition: Request for common victualer license

Dario DiPietrantonio stated he was opening a burger and shakes franchise called Jakes Wayback Burgers. The hours of operation will be from 10:30 am – 10:00 pm. They will not be serving any liquor.

Upon a motion by Commissioner Mullan, the Commission approved the petition as submitted.

Exhibit A: Common Victualer License Application dated and received April 3, 2013.

7. 368 Plantation Street – UMASS Albert Sherman

Petition: Request for common victualer license

8. 55 Lake Ave North – UMASS Medical School

Petition: Request for common victualer license

9. 364 Plantation Street – UMASS Lazare Medical Research

Petition: Request for common victualer license

10. 373 Plantation Street – UMASS Biotech II

Petition: Request for common victualer license

11. 100 Century Drive – UMASS – UHealth Solutions

Petition: Request for common victualer license

Donald Bundren, representing Sodexo Corporation, stated that they will be running the food service for UMASS. The contract is already in place and they will officially take ownership as of April 19, 2013. Mr. Bundren stated that three of the facilities are full kitchens and two of them are retail kiosks.

Upon a motion by Commissioner Mullan, the Commission approved the petition as submitted.

Exhibit A: Common Victualer License Application for 5 locations dated and received April 3, 2013.

Entertainment License

12. Worcester Common – Centro Las Americas

Petition: Request for entertainment license for Latin festival – August 17, 2013

Sam Rosario, chairman of Centro Las Americas, stated that this was the 24th year of the Latin American Festival. They plan to sell beer and wine on the grass land of the Worcester Common. Mr. Rosario stated that they will obtain Parks and Recreation Department’s approval for the use. There will be approximately 35 officers for the entire event; two will be dedicated to stay within the beer garden at all times. Mr. Rosario stated that there have been no fights or issues in the last 6 years. He also stated that this is the biggest fundraiser for their organization. The event hours will be from 1:00 pm to 9:00 pm but they will stop serving at 8:30 pm. The footprint will be the same as previous years and there will not be a dance floor installed.

Upon a motion by Commissioner Mullan, the Commission approved the petition as submitted.

Exhibit A: Entertainment License Application dated March 12, 2013 and received March 13, 2013.

13. Elm Park – Edward Street Child Services

Petition: Request for entertainment license for Day of Play – June 8, 2013

Diane Hayes stated this was for the Day of Play event at Elm Park on June 8. The day is geared towards helping families help their children develop. Last year they had 3,000 people at the event. This year they'll give out books and have local artists present. The event will be free and open to everyone.

Upon a motion by Commissioner Mullan, the Commission approved the petition as submitted.

Exhibit A: Entertainment License Application dated and received March 21, 2013.

Alteration of Premises Requests

14. 193 Lake Ave – Madulka's Ice Cream

Petition: Request for alteration of premises to allow outdoor seating for 40 seats

Mike Madulka, owner of Madulka's Ice Cream, stated that he was applying for outdoor seating on his deck for 40 seats. He had gone before the Zoning Board to have them remove the condition that did not allow for outdoor seating. Mr. Madulka stated he received Zoning Board approval.

Commissioner Mullan asked where the seats will be located and Mr. Madulka stated that all the seats will be behind the business on the deck and near the water, none will be on the sidewalk.

Attorney Adam Cobult, representing Albert Johnson and 165 & 175 Lake Avenue Trust, stated that the abutters he represents have expressed their concern regarding parking at the ZBA meeting. He stated that the issue they are bringing forward to the Commission is the lack of sanitary facilities. Code requires one bathroom per 20 patrons and the applicant has no facilities on site.

Mr. Madulka stated that he did have a bathroom within the ice cream stand for employees and they meet all of code's requirements. He stated that they do not have outdoor facilities for customers because they have no indoor seating but he does provide a port-a-potty for the use of the customers.

Commissioner Mullan asked Attorney Cobult if his intention was that the ice cream stand provides the same bathroom facilities as a restaurant.

Attorney Cobult stated that since the ice cream stand will be serving food that it should comply with the sanitary regulations and that the number of outdoor seating requested should be the number used to determine what is required.

Jim Foley, Inspectional Services, stated that they issue occupancy permits for indoor use.

Mr. Madulka stated that there will be no table service; customers will buy at the window and choose to sit down on a bench or a picnic table.

Commissioner Salvidio asked the applicant how long his season lasts. Mr. Madulka stated he is allowed to be open from March until November but that he usually opens around St. Patrick's Day and closes after Columbus Day.

Ms. Haralambous, Assistant City Solicitor, stated that if the applicant passed all of his inspections and Inspectional Services didn't require it then she does not believe the License Commission should make a decision based on that.

Commissioner Mullan stated that his opinion was that he did not believe building occupancy requirements apply to outdoor seating.

Mr. Fontane, Planning & Regulatory Services, stated that the Zoning Board did approve it at its last meeting and that this should just be contingent on passing every inspection that they are required.

Upon a motion by Commissioner Mullan, the Commission approved the petition as submitted. Commissioner Mullan voted yes, Commissioner Salvidio voted yes, and Chair Shea voted yes.

Exhibit A: Alteration of Premises Application dated March 15, 2013 and received March 19, 2013.

Wine Tasting Permit Requests

15. 566 Southwest Cutoff – Boston Discount Liquors

Petition: Request for 3-day weekend wine tasting permit

Jignesh Patel was present for this matter. He stated that he wanted to promote new wines with wine tastings on Friday and Saturday only. The hours would be from 4 – 6 pm or from 5 – 7 pm. He asked the Commission if this license would cover liquor tastings as well and Commissioner Mullan stated that liquor tastings require a different application.

Upon a motion by Commissioner Mullan, the Commission approved the petition as submitted.

Exhibit A: Wine Tasting Permit Application dated and received March 18, 2013.

Liquor Requests

16. 64 Water Street – The Perfect Game

Petition: Request for alteration of premises to open up additional 2300 SF

Mark Elrich from the Perfect Game stated that he wanted to alter the premises by knocking down a wall in the main bar area to the space adjacent to them. This will add 2,300 SF in which they plan to have private functions on the weekends.

Commissioner Mullan asked if the public will be able to access the site from the Harding St side. The applicant stated that they will be able to access the site from both Water Street and Harding Street. He also stated that the stairs that lead to the second floor will be blocked off and off limits to customers. He plans to highlight the entrances with signage and lighting as well as have door staff for both entrances. The downstairs will be used as dance floor.

Upon a motion by Commissioner Mullan, the Commission approved the petition as submitted.

Exhibit A: Alteration of Premises Application dated March 12, 2013 and received March 13, 2013.

17. 118 Water Street – Ole

Petition: Request for restaurant with all alcohol license

Chair Shea stated that they were not able to see the site when they went for the site visit.

Laureen Haskell stated that she was asking for a common victualer all alcohol license.

Chair Shea asked Ms. Haskell to confirm the hours of operation. Ms. Haskell stated that all the liquor will be taken off the tables by 2:00 am but food will be served until 4:00 am. Presently they have a common victualer and they are open until 2:30 am on Thursdays, Fridays, and Saturdays.

Commissioner Mullan stated he was concerned that she might be before the Commission in the future for a violation if the alcohol is on the table just one minute after 2:00 am. Ms. Haskell stated that she plans to have last call at 1:15 am so they can get the alcohol off the table in time.

Commissioner Salvidio stated that he was concerned about the change back to a restaurant.

Upon a motion by Commissioner Mullan, the Commission approved the petition as submitted

Exhibit A: New Liquor License Application dated February 1, 2013 and received March 13, 2013.

Lodging License Requests

18. 25 Queen Street – South Middlesex Non-Profit Housing Corporation

Petition: Request for lodging house license transfer

Attorney Catherine Carrigan, Michael Comiskey, Darlene St. Croix, and Susan Gentile were present on behalf of this matter.

Ms. Carrigan stated that they were looking to transfer the lodging house license from 701 Main Street to 25 Queen Street. She stated that they would not be ready before the license expires so they are also requesting a 30-day extension on the 701 Main Street license. Mr. Comiskey stated that they are confident that they will be ready to move to the new location by June 1, 2013. They also stated that the program currently run at the old PIP shelter is night and day from what it was since they have already transitioned to the triage model they will be implementing at 25 Queen Street.

Barbara Halelr, 34 Castle Street, stated she had reviewed the applicant and had a few questions and concerns. 701 Main Street has the capacity for 88 beds, while the new facility will only have a maximum of 40 beds. What will happen with the excess people? She stated she was concerned for having more homeless on the streets and needing more services. She stated that the new site has 2 floors, the first will be dedicated to the triage center and the second will house the rooms. Is a professional manager required onsite all day?

Ms. Gentile stated that they will have shift supervisors and day care staff plus a resident manager for the 2nd floor and people on call 24 hours. Ms. Carrigan stated that there are three managers proposed, each responsible for one shift. This was a bit different since its open 24 hours.

Mr. Salvidio asked who the mangers are for the triage center. Ms. Carrigan stated that Jayde Campbell, Ricardo Rivera, and Maria Camorano are each responsible for a shift. They will also

have a management level individual on call at all times. Mr. Carrigan also confirmed that the beds at 25 Queen Street will be limited to 40 beds.

Upon a motion by Commission Mullan, the Commission voted to extend the lodging house license from 701 Main Street for an additional 30 days to expire on May 30, 2013.

Commissioner Salvidio stated that both facilities cannot be open at the same time. Once 25 Queen St is operational, 701 Main Street must close.

Upon a motion by Commission Mullan, the Commission voted to approve the transfer of license from 701 Main Street to 25 Queen Street. The transfer becomes effective upon the expiration of the extended period (May 30, 2013) or the transfer of the lodging house operation to 25 Queen Street, whichever may come first.

Exhibit A: Lodging House License Transfer Application dated January 28, 2013 and received March 13, 2013.

19. 54 Queen Street – South Middlesex Non-Profit Housing Corporation

Petition: Change of ownership

Items #19, #20, and #21 were taken up contemporaneously.

Ms. Carrigan stated that this was also one of the properties that belonged to the Henry Lee Willis Center that they acquired. The three resident managers are previous Henry Lee Willis employees and the secondaries are SMOC employees. 54 Queen Street is an 8 bed lodging house and will continue to be so. In fact, they do not plan to make any changes to the existing program either. The resident manager for this location will be Jose Garcia and the secondary is Carrie Nebomecino.

Barbra Haller, Worcester resident, asked what will be the use of the lodging house and if the services are saying the same.

Ms. Carrigan responded that they will have the same residents and the same program that currently exists.

Ms. Haralambous stated that the use is not under the purview of the License Commission.

Mr. Fontane stated that the Building Commissioner makes the determination regarding use.

Upon a motion by Commissioner Salvidio, the Commission voted to approve the transfer of ownership for the lodging house license for 54 Queen Street with the changes submitted.

Exhibit A: Lodging House License Transfer Application dated January 28, 2013 and received March 13, 2013.

20. 6 Wyman Street – South Middlesex Non-Profit Housing Corporation

Petition: Change of ownership

Items #19, #20, and #21 were taken up contemporaneously.

Ms. Carrigan stated this is a 16 unit lodging house. It has a sober supportive housing program and has another program add-on. The resident manager will be Rafael Salas and the secondary will be Jayde Campbell. Commissioner Mullan stated that they should update all the paperwork to ensure they reflect the correct managers and their schedule.

Billy Breault, Worcester resident, asked when the house was converted from a 4 family to a lodging house.

Mr. Fontane stated that he did not have the exact year that the lodging house license was first issued but they have had it for a while and it has been getting renewed yearly.

Upon a motion by Commissioner Salvidio, the Commission voted to approve the transfer of ownership for the lodging house license for 6 Wyman Street with the changes submitted.

Exhibit A: Lodging House License Transfer Application dated January 28, 2013 and received March 13, 2013.

21. 7-9 Woodland Street – South Middlesex Non-Profit Housing Corporation

Petition: Change of ownership

Items #19, #20, and #21 were taken up contemporaneously.

Ms. Carrigan stated that this lodging house will house women and there will be a total of 19 people at this location. The resident manager will be Pamela Daley and the 2nd manager will be Carrie Nebomecino.

Upon a motion by Commissioner Salvidio, the Commission voted to approve the transfer of ownership for the lodging house license for 7-9 Woodland Street with the changes submitted.

Exhibit A: Lodging House License Transfer Application dated January 28, 2013 and received March 13, 2013.

Hearings

22. 287 Main Street –The Krazy Horse Bar & Grill

Cessation of business

Ms. Feliciano stated that there have been several attempts to contact the manager for a status hearing but we have received no response. Upon a motion by Commissioner Salvidio, the Commission voted to revoke the liquor license for The Krazy Horse Bar & Grill.

Other Business

23. Communications - 204 Cambridge Street –The Alibi Sports Bar - Closing of business

Upon a motion by Commissioner Salvidio, the Commission voted to revoke the liquor license for The Alibi Sports Bar.

Adjournment

The meeting was adjourned at 11:17 am.