

MINUTES OF THE PROCEEDINGS OF THE  
LICENSE COMMISSION OF THE CITY OF WORCESTER  
May 9, 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  
Deborah Steele, Planning & Regulatory Services  
Marlyn Feliciano, Planning & Regulator Services  
Lt. James Johnson, Worcester Police Department  
Alexandra Haralambous, 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.

**Unfinished Business**

**1. 315 Grove Street – Jillian’s Billiards**

**Petition: Request for alteration of premises to allow outside seating**

Tobias Cassidy, General Manager of Jillian’s, stated that the purpose of the application was to obtain permission for outdoor seating for 20.

Chair Shea asked if the applicant had provided detailed dimensions of the area where they want to have the outdoor seating. Mr. Cassidy stated that presently they have a bench against their building to the right of the entrance that the patrons use as a smoking area. They want to add 4 tables in that area to allow up to 20 people to eat or drink outdoors during the nice weather. Mr. Cassidy also stated that they plan to move a handicapped space to allow for the seating if they are approved. They also plan to fence off the area and ensure that no one can get in without coming through the restaurant first. Mr. Cassidy also assured that there will be no bar or any entertainment outside.

Lt. Johnson stated that the fence needs to be high enough so that people can't jump over it. Mr. Cassidy was amenable to that.

Christine Moore, Goodwill representative, stated she was concerned with the size of the parking lot since it's a shared parking, more specifically about the availability of parking for her customers and the cleanliness of the lot. Ms. Moore stated that she had an opportunity to speak to the applicants and that the situation seems to have improved. She stated she is not against the petition; she just wants to ensure that this is done in a way that there is no negative impact to Goodwill.

Mr. Cassidy assured the Commission that he plans to keep it clean and suggested that signs be posted designating Goodwill's parking and that violators will be towed at owner's expense.

Commissioner Mullan stated that parking is not under the purview of the Commission so the agreement has to happen between the individual parties. He stated that at the site visit this morning he saw other businesses using Jillian's parking.

Commissioner Salvidio stated that signage should solve most of the issues.

Mr. Fontane stated that before any cars are towed the signage would have to be in place. He also stated that if they are eliminating any required parking then they are only allowed 12 outdoor seats. The Commission can approve it and defer to the Zoning Ordinance for the number of seating allowed.

The manager of Commerce Bank stated that there has been a verbal agreement between Commerce Bank and Jillian's that Jillian's patrons can use Commerce bank parking after 7 p.m. and Commerce bank employees can use Jillian's parking earlier in the day. He stated that it hadn't been working out well but they reached an agreement the week before and it seems to be working.

Mr. Fontane suggested that the applicant rearrange the outdoor seating and move it closer to the street, that way they wouldn't be required to eliminate parking and can have 20 outdoor seats.

Ms. Steele asked what the hours for the outdoor seating will be. Mr. Cassidy stated that it would be 4 pm – 1 am Mondays and Tuesdays, 4 pm to 2 am Wednesdays and Thursdays, 2 pm to 2 am Fridays, 12 pm to 2 am Saturdays, and 12 pm to 1 am on Sundays.

Upon a motion by Commissioner Salvidio, the Commission voted to approve the outdoor dining for 20 seats as amended by the diagram.

Exhibit A: Alteration of Premises Application dated February 25, 2013 and received March 11, 2013.

Exhibit B: Diagram of outdoor patio area submitted May 9, 2013.

## **2. 241 Southbridge Street – AA Brothers dba Emperor's Club**

### **Violation of Rule #14 (conditions on liquor & entertainment license)**

Chair Shea swore everyone in. Attorney Louis Cassis, Sergey Yugay, and Levon Terzian were present for this matter.

Lt. Johnson stated that this is a continuation of a violation hearing for violations of the conditions of approval regarding the Sky Box, the video surveillance, and the privacy areas.

Two weeks ago, the police inspected the location and 98% of everything discussed was complied with. The only remaining issue is with the couches and chairs in the Sky Box that needs to be removed.

Attorney Cassis stated that part of the problem was that they were required to keep 10 days' worth of surveillance and they were having issues keeping all that video. He also stated that the violations were lack of understanding rather than blatant or deliberate violation.

Mr. Yugay stated they just need a little more time to remove the couches from the Sky Box because they were built for the space. They are large and they need to be broken down in order to be removed.

Upon a motion by Commissioner Mullan, the Commission voted to find the applicant in violation of condition #6 in the license. Chair Shea voted yes, Commissioner Mullan voted yes, and Commissioner Salvidio voted yes.

Upon a motion by Commissioner Mullan, the Commission voted to give the applicant a warning. Chair Shea voted yes, Commissioner Mullan voted yes, and Commissioner Salvidio voted yes.

Chair Shea took up item #15, a petition for a change of manager to Sergey Yugay.

Lt. Johnson stated that Mr. Yugay passed the background check.

Chair Shea stated that she was concerned for the instability and the numerous changes in managers this business has had in the past.

Upon a motion by Commissioner Salvidio, the Commission voted to approve the change of manager application.

## **New Business**

### **One Day Liquor Requests**

#### **3. 500 Salisbury Street – Assumption College**

##### **Petition: Request for 3 one day permits on 5/10/13 & 6/1/13**

Michael Rubino from Assumption College stated they have three events: the first is a baccalaureate reception from 7 pm – 10 pm; the other two events are on June 1, 2013 for the annual alumni reunion weekend. Sodexo will serve the liquor and their servers are all TIPS certified.

Upon a motion by Commissioner Salvidio, the Commission voted to approve the petition as submitted.

Exhibit A: Special One Day Liquor License Application dated April 12, 2013 and received April 16, 2013.

#### **4. 950 Main Street – Clark University**

##### **Petition: Request for two one day permits on 5/19/13 and 5/20/13**

Kim McElroy stated that they are doing two events at Clark University. The first one on is a dinner and cocktails on a Friday night with Jeff Laurie. It will be from 6 pm to 10 pm. Then on Saturday night they will have Dancing under the Stars and that will be from 8 pm to 12 am.

The alcohol will be served in a tent and there will be four bartenders that will ID before people even enter the tent and they will get a wristband. They will have campus police and police details.

Upon a motion by Commissioner Salvidio, the Commission voted to approve the petition as submitted.

Exhibit A: Special One Day Liquor License Application dated and received April 23, 2013.

**5. 1 Lincoln Square – Preservation Worcester**

**Petition: Request for a one day permit on 6/8/13**

Chair Shea recused herself because she is on the committee.

Deborah Packard and Elaine H. stated that Preservation Worcester is opening up the Memorial Auditorium for an event with food, drink, music, and entertainment.

Upon a motion by Commissioner Salvidio, the Commission voted to approve the petition as submitted.

Exhibit A: Special One Day Liquor License Application dated and received April 23, 2013.

**6. 30 Anna Street – St. George’s Cathedral**

**Petition: Request for a one day permit on 5/18/13**

Mike Hussein stated that they are hosting a fundraiser for a church on May 18. The event will feature a Lebanese singer and will be from 8:30 pm to 1 am.

Upon a motion by Commissioner Salvidio, the Commission voted to approve the petition as submitted.

Exhibit A: Special One Day Liquor License Application dated and received April 30, 2013.

**7. Elm Park – Wormtown Brewery, LLC (Food Truck Festival)**

**Petition: Request for a one day permit on 6/22/13**

Tom Oliveri stated that he is applying for a one day liquor license for the food truck festival. The festival will be closing down Park Avenue from Highland Street to Elm Street. There will be four TIPS certified servers. The 10’ x 50’ area will be roped off, will be held on the street. Lt. Johnson stated they have been working with them and they have a good plan.

Upon a motion by Commissioner Salvidio, the Commission voted to approve the petition as submitted.

Exhibit A: Special One Day Liquor License Application dated and received April 23, 2013.

**8. 326 Plantation Street –Friends of Worcester East Middle**

**Petition: Request for a one day permit on 5/17/13**

Phil Giarusso stated that this is for a fundraiser and they are doing a meat raffle at the East Side Post. There is presently a secure bar area there with one way in and one way out. They will have police details on duty and TIPS certified servers. They expect about 180 people.

Upon a motion by Commissioner Salvidio, the Commission voted to approve the petition as submitted.

Exhibit A: Special One Day Liquor License Application dated and received May 3, 2013.

### **Entertainment License**

#### **9. 535 Salisbury Street – St. Mary’s Albanian Orthodox Church**

##### **Petition: Request for entertainment license**

Mark Baker stated that this entertainment license is to get permission to have a DJ for an event that they were already approved for a special one day. The times will be 5 pm – 11 pm on Friday (5/31/13), 11 am – 11 pm on Saturday (6/1/13), and 11 am – 7 pm on Sunday (6/2/13).

Upon a motion by Commissioner Salvidio, the Commission voted to approve the petition as submitted.

Exhibit A: Entertainment License Application dated and received April 23, 2013.

#### **10. 26 Millbury Street – Electric Haze**

##### **Petition: Request for entertainment license**

Upon a motion by Chair Shea, the Commission voted to postpone the item to May 23, 2013.

Exhibit A: Entertainment License Application dated and received April 23, 2013.

### **Liquor Requests**

#### **11. 192 Harding Street – Ziti’s**

##### **Petition: Request for alteration of premises**

Stella Rando and Leonard Lerusso were in attendance for this matter. Ms. Rando stated that she was requesting an outdoor patio. Mr. Larusso submitted a new drawing showing that they shifted the outdoor patio to include the front door to meet all the requirements. The area will have 5 tables for 4 and it will be open from 11 am to 11 pm 7 days a week.

Upon a motion by Commissioner Salvidio, the Commission voted to approve the petition as submitted.

Exhibit A: Alteration of Premises Application dated and received April 22, 2013.

#### **12. 26 Millbury Street – Electric Haze**

##### **Petition: Request for new liquor license**

Upon a motion by Chair Shea, the Commission voted to postpone the item to May 23, 2013.

Exhibit A: New Liquor License Application dated and received April 23, 2013.

**13. 480 Shrewsbury Street – Piccadilly Bar & Grille**

**Petition: Request for alteration of premises**

Girly Fonseca stated she would like to do outdoor seating. She wants to have 10-15 tables that seat 3 and 4 people. The hours are 11 am to 10 pm Monday through Friday and 9 pm to 10 pm Saturday and Sunday. The bar will be open at 12 pm on Sundays. Commissioner Mullan asked for the dimensions of the patio. Ms. Fonseca stated that it will be 16' x 44'.

Mr. Fontane stated that the maximum seats she can apply for without requesting a special permit is 20 seats, 12 seats if she is taking up required parking. Ms. Haralambous confirmed that. Ms. Fonseca stated that she can move her cardboard dumpster and create the three spaces that she is taking up with the outdoor seating.

Upon a motion by Commissioner Salvidio, the Commission voted to approve 20 outdoor seats.

Mr. Mullan asked the applicant if she had changed the name of the restaurant. Ms. Fonseca stated that the corporate name is the same but they do have a different d/b/a. Ms. Steele stated that the new d/b/a certificate needs to be field with the License Commission office.

Exhibit A: Alteration of Premises Application dated and received April 23, 2013.

**14. 241 Southbridge Street – A&A Brothers**

**Petition: Request for Transfer of Ownership**

Upon a motion by Chair Shea, the Commission voted to postpone the item to May 23, 2013.

Exhibit A: Transfer of Ownership Application dated and received April 9, 2013.

**15. 241 Southbridge Street – A&A Brothers**

**Petition: Request for Change of manager**

Taken up contemporaneously with item #2.

Exhibit A: Change of manager Application dated and received May 3, 2013.

**Status Hearings**

**16. 43 Pleasant Street – Tammany Hall**

**Status of new officer and transfer of stock application**

Ms. Steele stated that the License Commission had approved this a few months ago but the ABCC denied it due to unpaid taxes. She stated that the office has asked several times for a certificate of good standing but have received no response. The applicant had left a voicemail stating that he will get to it sometime so Ms. Steele suggested that they rescind the vote and they can re-apply at that time.

Upon a motion by Commissioner Mullan, the Commission voted to rescind the vote for the new officer and transfer of stock for Tammany Hall.

**17. 70 Winter Street – Boiler Room**

**Relative to the status of the liquor license**

Upon a motion by Commissioner Salvidio, the Commission voted to postpone the item to May 23, 2013.

**Violation Hearings**

**18. 316 Main Street – Blush Yogurt Cafe**

**Cessation of business hearing**

Ms. Steele stated that we have notified them several times with no response. Commissioner Salvidio has been by there several times and it looks like they closed.

Upon a motion by Commissioner Mullan, the Commission voted to rescind the liquor license for Blush Yogurt. Chair Shea voted yes, Commissioner Mullan voted yes, and Commissioner Salvidio voted yes.

**Other Business (Communications)**

**19. ABCC Communication - 72 Pullman Street – Price Chopper**

Upon a motion by Commissioner Salvidio, the Commission voted to amend the minutes of January 10, 2013 to include the full transcript.

**20. ABCC Communication – 50 Southwest Cutoff – 99 Restaurant**

The Commission had no comment.

**21. ABCC Communication – 5 Saugus Place – McGuire’s Place**

The Commission had no comment.

**22. Catering Event Notification at Notre Dame Academy – Creedon & Co.**

The Commission had no comment.

**Adjournment**

Upon a motion by Chair Shea, the Commission voted to adjourn at 11:10 am.