

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
AUGUST 6, 2015

LEVI LINCOLN CHAMBERS

Commission Members Present: Karon Shea, Chairperson
Anthony Salvidio, Commissioner
Walter Shea, Commissioner

Commission Members Absent: None

Staff Present: Stephen S. Rolle, Planning & Regulatory Services
Deborah Steele, Planning & Regulatory Services
Alexandra Haralambous, Law Department
Lt. James Johnson, Worcester Police Department
Officer Edward Saucier, Worcester Police Department
Jim Foley, Health Department

MINUTES

Upon a motion the Commission voted 3-0 to approve the minutes of July 23, 2015.

OLD BUSINESS

1. Petition: Request for Shooting Gallery License
Petitioner: The Gun Parlor, Inc. 170 Prescott Street

Attorney Don O’Neil and Justin Gabriel appeared on behalf of the application.

Mr. O’Neil stated that they had reviewed the memo from Division of Planning & Regulatory Services with the list of conditions and believed there were two clarifications.

Mr. Rolle stated that they had recommended 24 conditions and would recommend two modifications. Condition #10 needs to be modified to say that all employees with interest in the business must have a CORI check and strike the language about additional background check. Item #20 needs to be modified to say that there will be no pole mount accessory sign visible from 290 other signs allowed by the zoning ordinance are permissible.

Attorney O'Neil stated that those conditions were acceptable.

Commissioner Shea asked if the lead would be recycled. Mr. Gabriel stated that it would be.

Commissioner Shea asked if in the retail area would be secured. Mr. Gabriel stated that it is secured and all the firearms are behind the counter and person would need to be assisted by salesperson and could not access them without a salesperson present.

Commissioner Shea stated that he thanked Mr. Gabriel for taking a blighted building and putting a business there.

Chair Shea stated that she was very impressed with the security for the business.

Commissioner Salvidio stated that he is unable to vote on item as wasn't at last meeting but just had question on whether customers could bring in their own ammunition.

Mr. Gabriel stated that they can but it has to be checked by the range officer and only people with valid FID can shoot at the range.

Commissioner Shea asked if Mr. Gabriel was opening the facility up to other police departments.

Mr. Gabriel stated that he would open it to all police departments in Massachusetts.

Upon a motion the Commission voted 2-0 to approve the license with the following conditions

1. Hours of operation 10AM – 11PM.
2. Only Law Enforcement Officers/Agencies shall be allowed to use the shooting range after 8 PM.
3. All persons shall be off the premises by 11:30 PM.
 - a. Licensee, manager or employees may be on the premises after business hours only if they are *actively engaged* in cleaning, making repairs to, or providing security for the premises, opening or closing premises for the day.
4. The manager must be the holder of a valid firearms license to carry.
5. Access to the shooting range shall be limited to members and authorized personnel.
6. No person shall engage in target shooting or enter a live fire area unless such person holds a valid firearm identification or valid firearms license to carry issued under G.L. c. 140.
7. The Licensee shall be responsible for determining the age of patrons and ensuring that patrons are twenty-one years of age or older.

8. Licensee shall maintain a current list of all employees and shall have said list available at all times for inspection by WPD or any authorized agent of the License Commission.
9. Licensee must notify the WPD and the License Commission within 48 hours of any employment change.
10. All employees, or parties with an interest in the business must pass a CORI.
11. An inventory list of all guns, firearms, and ammunition shall be kept at all times and upon request shall be available to the WPD or License Commission for inspection.
12. Licensee must notify the WPD immediately upon discovery of any missing item from the inventory list.
13. A range safety officer must be onsite at all times that the shooting range is active
14. The license will renew yearly.
15. Upon the annual renewal, the Licensee must appear before the License Commission for an in-person status update.
16. At the yearly status hearing, the Licensee must submit a security plan to the License Commission.
17. The License Commission must approve any new owner, or transfer of business or stock in the business.
18. Licensee shall ensure adherence to the rules established by the Revised Ordinances of 2008, as amended, Chapter 11, §8A (current version attached as Exhibit 1).
19. Licensee shall ensure adherence to all conditions of the Special Permit granted by the Worcester Zoning Board of Appeals, as amended.
20. There shall be no pole mount accessory sign visible from 290, other signs allowed by the zoning ordinance are permissible.
21. The WPD, upon request, shall be granted access to the live security camera feed.
22. The Licensee shall designate, in writing, a full time facility manager, satisfactory to the License Commission.
 - a. Said manager shall have authority and control of the licensed premises.
 - b. Said manager shall be a suitable person as determined by the License Commission, and shall be the current holder of a valid firearms license to carry issued under G.L. c. 140.
 - c. The License Commission shall be notified immediately, in no event more than 24 hours, after the removal or vacancy of an approved facility manager.
23. Licensee shall provide adequate lighting and shall submit a lighting plan to the License Commission for approval.

24. Licensee shall ensure security of the parking lot by means of adequate lighting, fencing and security checks by staff.

Exhibit A: Application for Shooting Gallery License received June 23, 2015 and dated June 23, 2015.

Exhibit B: Memorandum from Division of Planning and Regulatory Services dated July 29 2015.

2. Petition: Request for package store malt & wine license

Petitioner: Viriditas, LLC, 25 Exchange Street (6 Waldo Street)

Application was withdrawn.

Exhibit A: Application for package store malt & wine license received June 23, 2015 and dated June 23, 2015.

NEW BUSINESS

One Day Liquor & Entertainment Requests:

3. Petition: Request for one day liquor license

- August 29, 2015 – Noon-5:00 p.m.

Petitioner: David Domenick, 90 Harding Street

David Domenic along with Paul Giorgio appeared on behalf of the petition.

Mr. Domenic stated that the event is for a chili/chowder fest that will be held in the parking lot of Compass Tavern and they will have vendors selling items and they are expecting about 500 people.

Upon a motion the Commission voted 3-0 to approve the one day liquor license with condition that one detail officer be hired for the event.

Exhibit A: Application for one day liquor license received July 14, 2015 and dated July 14, 2015.

4. Petition: Request for one day liquor license

- September 26, 2015 – 6:00 p.m. – Midnight

Petitioner: St. George Orthodox Church, 30 Anna Street

Mark Baker, from St. George Orthodox Church, appeared on behalf of the item and stated that this event is for the 100th celebration of the church.

Upon a motion the Commission voted 3-0 to approve the one day liquor license.

Exhibit A: Application for one day liquor license received July 22, 2015 and dated July 22, 2015.

5. Petition: Request for one day liquor license
- September 12, 2015 – 2:00 p.m.-10:00 p.m.

Petitioner: Ken Nicholas, 404 West Boylston Street

Ken Nicolas appeared on behalf of the petition and stated that this is event is for a cancer fundraiser.

Upon a motion the Commission voted 3-0 to approve the one day liquor license.

Exhibit A: Application for one day liquor license received July 24, 2015 and dated July 24, 2015.

6. Petition: Request for one day liquor license
- September 12, 2015 – Noon – 3:00 p.m.

Petitioner: Worcester Hibernian Cultural Foundation, 19 Temple Street

Paul Foley appeared on behalf of the item and stated that this event is for the Canal Diggers 5K and they expect about 1000 people and will hire police details.

Upon a motion the Commission voted 3-0 to approve the one day liquor license.

Exhibit A: Application for one day liquor license received July 27, 2015 and dated July 27, 2015

- 6a. Petition: Request for one day entertainment license live music & amplification system
- September 12, 2015 – Noon-3:00 p.m.

Petitioner: Worcester Hiberian Cultural Foundation, 19 Temple Street

Paul Foley appeared on behalf of the item and stated that they are also looking for entertainment license for the 5k race.

Upon a motion the Commission voted 3-0 to approve the one day entertainment license.

Exhibit A: Application for entertainment license received July 27, 2015 and dated July 27, 2015.

7. Petition: Request for one day entertainment license for live music, bouncy house, carousel, tea cup ride, train rides and pony rides for Brazilian Festival
- September 19, 2015 – 12 pm – 8 pm
 - September 20, 2015 – 11 am – 7 pm

Petitioner: SR Global Enterprises, Inc., 190 Salisbury Street

Surely DiBara appeared on behalf of the application.

Ms. DiBara stated that she wants to promote a Brazilian Festival in Worcester.

Chair Shea asked for clarification of the address.

Ms. DiBara stated that it is at 140 Salisbury Street

Commissioner Salvidio asked if she would need Parks Department approval.

Ms. Steele stated that when Ms. DiBara came to office she was advised she would need to get the Parks Department approval.

Ms. DiBara stated that she has contacted Parks Department and Police Department and working on obtaining the permits.

Lt. Johnson stated that he liked the early hours for the event.

Upon a motion the Commission voted 3-0 to approve the license with condition that the Parks Department and Police Department approvals are received.

Exhibit A: Application for one day entertainment license received July 28, 2015 and dated July 28, 2015.

Common Victualer License Requests:

8. Petition: Request for common victualer license

Petitioner: La Marketa Lara, Inc., 158 Belmont Street

Ignacio Lara appeared on behalf of the application. She stated that this will be for a small breakfast and lunch place.

Upon a motion the Commission voted 3-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received July 21, 2015 and dated July 21, 2015.

9. Petition: Request for common victualer license

Petitioner: El Principe Restaurant, LLC, 118 Cambridge Street

Henry Genao appeared on behalf of the application.

Upon a motion the Commission voted 3-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received July 20, 2015 and dated Jul 20, 2015.

- 10.** Petition: Request for common victualer license

Petitioner: Popeye's Louisiana Kitchen, 622 Park Avenue

Rizwan Shamshi appeared on behalf of the application.

Upon a motion the Commission voted 3-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received July 16, 2015 and dated July 16, 2015.

- 11.** Petition: Request for common victualer license

Petitioner: Memeka Enterprises LLC dba Uncle Sam's Pizza, 974A Main Street

A representative for Marie Comprovedo appeared on behalf of the application.

Upon a motion the Commission voted 3-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received July 23, 2015 and dated July 23, 2015.

- 12.** Petition: Request for common victualer license

Petitioner: Abreu Market, 117 Lovell Street

Julio Abreau appeared on behalf of the application.

Upon a motion the Commission voted 3-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received July 23, 2015 and dated July 23, 2015

- 13.** Petition: Request for common victualer license

Petitioner: Jin Xin Chinese Food Inc., 65 James Street

Shu Quing Yang along with a translator appeared on behalf of the application.

Upon a motion the Commission voted 3-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received July 28, 2015 and dated July 28, 2015.

14. Petition: Request for common victualer license

Petitioner: Our Subway Store, 446 Lincoln Street

The applicant did not appear for the meeting.

Upon a motion the Commission voted 3-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received July 28, 2015 and dated July 28, 2015.

15. Petition: Request for common victualer license

Petitioner: Sona's Bakery, 1280 Grafton Street

A representative for Celnik Muska appeared on behalf of the item.

Upon a motion the Commission voted 3-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received July 24, 2015 and dated July 24, 2015.

Alcohol & Entertainment Permit Applications:

16. Petition: Request to extend entertainment license for jukebox, dancing by patrons, live music on

- August 8, 2015 – 6:00 p.m.-11:00 p.m.
- August 22, 2015 – 6:00 p.m.-11:00 p.m.
- September 5, 2015 – 3:00 p.m. – 11 p.m.

Petitioner: Worcester Detachment Marine Corps League, 181 Lake Avenue

Paul Manna and Raymond Perrone, Jr. appeared on behalf of the item.

Mr. Perrone stated that they would like to amend August 8, 2015 date to August 15, 2015.

Mr. Perrone stated that the reason for request is they need to raise money as the wall near the lake fell in and it needs to be repaired.

Upon a motion the Commission voted 3-0 to approve the three day entertainment licenses with amended date.

Exhibit A: Application for entertainment license received July 28, 2015 and dated July 28, 2015.

17. Petition: Request for change of manager

Petitioner: G&G Investments Inc., dba Beatnik's, 433 Park Avenue

Brian Carrigan and David Geary appeared on behalf of the application.

Lt. Johnson stated that the proposed manager is approved.

Upon a motion the Commission voted 3-0 to approve the change of manager.

Exhibit A: Application for change of manager dated July 28, 2015 and received July 28, 2015.

18. Petition: Request for transfer of innholder all alcohol license

Petitioner: NEP OPS – T, LLC dba Residence Inn by Marriott, 503 Plantation Street

Attorney Joseph Devlin along with the proposed manager appeared on behalf of the application.

Upon a motion the Commission voted 3-0 to approve the transfer of the innholder all alcohol license.

Exhibit A: Application for transfer of innholder all alcohol license received July 31, 2015 and dated July 31, 2015.

19. Petition: Request for alteration of premises for outside area in rear of building

Petitioner: T-Bone, LLC, 1281 Pleasant Street

Robert Stake appeared on behalf of the application.

Lt. Johnson stated that he went to view the site and there were no issues.

Jean Mulkay, 15 Rockminnon Road, stated that she had concerns that if this request is allowed the level of noise will increase and from her home you can hear everything from the street. if this establishment is allowed to have an outside area their customers will linger outside the establishment longer which will add extra noise to the area.

Commissioner Shea asked if there would be any music outdoor. Mr. Stake stated that there will not.

Lt. Johnson stated that he had viewed the proposed alteration and it just a small area in the rear with a few tables with no music.

Chair Shea asked what would be the proposed outdoor hours.

Mr. Stake stated the establishment closes at 12:30 a.m. and they plan to close the outdoor area at 11:00 p.m.

Commissioner Salvidio asked if there had been any problems at establishment.

Lt. Johnson stated that they have been there six years with no problems.

Chair Shea stated that if there are problems the neighbor could always come back before the Commission.

Commissioner Salvidio stated that he just wanted to make it clear that this establishment is in a commercial area and complaints have to be directly related to the portion of the alteration that they are approving today.

Upon a motion the Commission voted 3-0 to approve the alteration with condition that outside area will close at 11:00 p.m.

Exhibit A: Application for alteration of premises received June 15, 2015 and dated June 15, 2015.

20. Petition: Request for restaurant all alcohol license

Petitioner: The Calabash Enterprises, Inc. dba The Calabash, 33 Canterbury Street

Application was withdrawn.

Exhibit A: Application for restaurant all alcohol license received July 21, 2015 and dated July 21, 2015.

20a. Petition: Request for entertainment license for jukebox, tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, play, moving picture show floor show, light show, theatrical exhibition, karaoke, any other audio or visual show, whether live or recorded specifically.

Petitioner: The Calabash Enterprises, Inc. dba The Calabash, 33 Canterbury Street

Application was withdrawn.

Exhibit A: Application for entertainment application received July 21, 2015 and dated July 21, 2015.

21. Petition: Request for package store malt & wine license

Petitioner: Yug Corporation dba Hadwen Park Market, 256-258 Webster Street

Attorney Brian Akashlan along with Jayesh Patel appeared on behalf of the item.

Mr. Akashlan stated that Mr. Patel is applying for a beer and wine license and his client intends to clean up the store.

Mr. Akashlan stated that Mr. Patel currently owns a store in the city of Lowell that has a beer and wine license and it has a similar situation that there is a package store located right down the street.

Mr. Akashlan stated that the beer and wine license is just a convenience for customer and not competition and competition cannot be considered.

Mr. Akashlan stated that the hours of the store will be 6:00 a.m. to 9:00 p.m. and Mr. Patel will obtain locks so that alcohol will be locked up during hours it cannot be sold. Additionally he will be obtaining a cash register that clerks can type in the age to confirm that they are checking the id.

Mr. Akashlan stated that with regards to need it is just a supplement for their customers and there won't be any increase in traffic or noise and he would ask the Commission to approve the application.

Gene Trainor stated that he represents Gene Royce and her dead sister who owns a home near the premises and his concern is that people may buy liquor products and go onto her lawn and cause problems and it may upset her peace and quiet.

Bill Kasper, owner of Mullally's Package Store, stated that a previous owner of this property tried to obtain a license and was denied because of competition and there are six package stores within less than a mile and you also have Holy Cross College in the area. Mr. Kasper stated that he has been in business for 41 years so it will be competition.

Mr. Akashlan stated that the location Mr. Patel has in Lowell is on the busiest street in Lowell and near a college and has never had a problem.

Commissioner Salvidio how would the applicant demonstrate that there is a need since there is literally a package store within a stone throw of the proposed location.

Mr. Askashlan stated that according to the ABCC and case law it is not literal need. It is the appropriateness of the liquor license in location and yes there is another liquor license in area. In regards to traffic, there will be no increase in traffic and this is just a convenience for the customer. The ABCC factor with regard to noise he stated that there should be no increase in noise and finally the ABCC criteria of reputation of application is to be looked at and Mr. Askaslan stated that he would vouch for Mr. Patel as he has represented him in other transactions and has had no problems.

Mr. Askashlan stated that with regard to competition in Lormax vs City of Chicopee the ABCC ruled that competition cannot be considered.

Commissioner Salvidio stated that need and convenience aren't the same thing.

Mr. Askashlan stated that he would agree.

Commissioner Shea stated that he finds it hard to believe there wouldn't be more traffic and the traffic is a concern plus the fact that the proposed license holder is a short distance from an existing license holder.

Mr. Askashlan stated that in his experience there has not been a significant increase in traffic for beer and wine licenses and it is not taking any business away. It just convenience for customers.

Chair Shea stated that directly across the street is a package store so doesn't see the need for another license.

Upon a roll call the Commission voted 3-0 to deny the package store malt and wine license based on the following factors

1. There would increase in traffic by adding an additional license
2. Area is served by existing package store

Exhibit A: Application for package store malt & wine license received July 20, 2015 and dated July 20, 2015

22. Petition: Request for change of manager

Petitioner: Padavano's Place, 358 Shrewsbury Street

Angela Padavano appeared on behalf of the application.

Upon a motion the Commission voted 3-0 to approve the change of manager.

Exhibit A: Application for change of manager received July 18, 2015 and received July 18, 2015.

22a. Petition: Request to amend entertainment license by

- Extending the indoor entertainment license from the current noon to 11pm to noon to 1am.
- Extending the outdoor (patio) hours from the current from 6-9pm daily to 4-11pm Monday through Saturday and 11:30am to 11pm Sunday,
- Changing outdoor (patio) entertainment times from the current Sunday 6-9pm to Sunday 4-9pm.
- Speakers outside during regular lunch and dinner hours, which are Monday through Saturday 4pm-10pm and Sunday noon-10pm.
- Increasing number of patrons allowed outside (patio) from 20 to 40.

Petitioner: Padavano's Place, 358 Shrewsbury Street

Commissioner Shea recused himself.

Angela Padavano appeared on behalf of the application and submitted proposal.

Nikki Clemente, abutter to the property, stated that she shares a fence with the Padavano's property. Ms. Clemente stated that she doesn't have a problem when the establishment is a restaurant. Her issue is when it transitions from a restaurant to a bar and has an impact on her home.

Ms. Clemente stated that she has no problem with indoor music as long as the patio doors are kept closed.

Ms. Clemente stated that her home has four windows that face the patio and she has no issue with the patio hours starting at 4:00 p.m. Monday through Saturday and 11:30 am on Sunday but she would like the patio to be closed by 9:00 p.m. and no new patrons seated after 9:00 p.m. She stated that she has made some recordings of the noise of people sitting on patio after 9:00 p.m. They aren't eating, they are sitting and drinking which facilitates a bar type atmosphere and the later people sit on the patio, the more alcohol they consume and louder they get.

Ms. Clemente attempted to play a clip from her cell phone of the noise but was unable too.

Ms. Clemente stated that she opposes the outdoor entertainment as it wasn't officially on agenda when it was first requested and was requested verbally at the meeting and she would like that it be revoked as she didn't have opportunity to address it at that time. She stated that the outdoor entertainment is loud enough to hear from inside her house and she cannot enjoy her backyard. She played a video clip of the noise from an outdoor event that she could hear from inside her house and she stated that she isn't the only person in area who has problem with the noise and the entire neighborhood is impacted.

Commissioner Salvidio asked if a compromise could be worked out.

Ms. Clemente stated that the outdoor speaker issue has been addressed as they don't use them anymore but doesn't know how they would control the sound level and Ms. Clemente stated that she met with Padavano's and Gary Vecchio before they opened and asked what their plan was and they said they planned to be a restaurant with entertainment once in a while but now that has change and there are possible ways to comprise but she wants to make sure they are hold accountable.

Ms. Clemente stated that in June Padavano's was informed that the outdoor capacity was limited to 20 patrons on the patio but they continue to exceed that and she lacks confidence that they will comply so she would like this item removed.

Commissioner Salvidio stated that he was on thr Board when previous owner owned property and Padavano's inherited the problems and this is a different applicant.

Ms. Clemente stated that she would disagree as she has met with Padavano's and they have been contacted by the City of Worcester and Worcester Police Department on what it means to be a good neighbor and she doesn't want to be fighting this battle through the Fall and then next year again.

Commissioner Salvidio stated that he did a site view with previous license holder and he remembers from the view that the previous license holder, Mr. Corapi, stated that he would not use the grassed area and that is why the stone patio was put in and he would like to find a balance between the neighbors and the commercial district.

Ms. Clemente stated that she is last house in commercial district and she has no problem with it being a restaurant.

Commissioner Salvidio asked if she had any issue with the indoor entertainment. Ms. Clemente stated that she did not as long as the doors are kept closed.

Commissioner Savlidio stated that the problems seem to be the noise, number of people on patio and amplification.

Ms. Clemente stated that she would be willing to see how it goes if it was pure acoustic as Padavano's had that on a previous Sunday and it that was okay but she would like the patio closed by 9:00 p.m.

Josephine Rodriguez stated that she is an abutter and she has lived in the neighborhood for 20 years and the biggest issue right now is the noise and you don't want to hear the music or people at 10:00 o'clock when you have to go to work the next day. They also do not have enough parking for the amount of patrons in the restaurant and half the time she cannot park on her street.

Commissioner Salvidio stated that they had read all the emails sent regarding parking but the Commission has no purview over parking.

Ms. Padavano stated that they have other businesses in City of Worcester and Padavano's is primarily a restaurant but due to the overhead they need to have entertainment at night or they are not going to make it. Ms. Padavano stated that she spoke to Ms. Clemente and Mr. Vecchio and they want to be good neighbors and if Ms. Clemente would come over and say there was a problem with the noise she would have a closed the door but this is a commercial area.

Commissioner Salvidio stated that is a commercial area that abuts a residential area and this is a problem all down Shrewsbury Street.

Ms. Padavano stated that all she wants is a level playing field on Shrewsbury Street and the City allowed Mr. Corapi to build the patio.

Commissioner Salvidio stated that he permitted the patio and condition was 20 people and he thought it suited the area fine and he remembers telling Mr. Corapi not to use the lawn area.

Ms. Padavano stated that she has no problem with taking the chairs off the lawn area and she has been working with Commissioner Kelly on the occupancy.

Ms. Padavano stated that she has taken some decibels readings and she looked up the noise ordinance and they are allowed to be within 10 decibels of ambient and once they figured out issue and had visits from Officer Edward Saucier due to problems they talked and they are trying to do the right thing. They have put up sign stating "please use the front entrance to access the patio" and they are keeping the door closed and she took reading with doors closed with karaoke playing, which is loudest night, and the reading is under 10 and the indoor entertainment is the biggest item and they need to be open to 1:00 a.m.

Commissioner Salvidio stated that the indoor entertainment that they have reached an agreement on the indoor entertainment and that is the entertainment goes to 1:00 a.m. with doors closed and both parties were agreeable to that.

Commissioner Salvidio stated that outdoor amplified noise seems to be the bigger issue.

Ms. Padavano stated that she would like to have acoustic music outside but the letter she received stated that the City would recommend only live outdoor entertainment limited to unamplified acoustic music only. Ms. Padavano stated that she has Dale LePage play at their place and they have electric guitar but it needs to be amplified but they can have acoustic music without disturbing the neighbors.

Ms. Padavano stated that if there is a problem the neighbors can come over and talk to her.

Ms. Rodriguez stated that she doesn't feel comfortable doing that and has never gone over to speak with the Padavano's.

Commissioner Salvidio stated that he agrees he doesn't think you'll find someone who can play electric guitar without some type of amplification and suggested they don't limit to non-amplification and at the end of summer if neighbors are uncomfortable talking to the Padavano's then it can come back before the Commission.

Ms. Padavano stated that the neighbors could go through Phil Niddrie as he has been working with the neighbors and has been trying to resolve the issues.

Ms. Clemente stated that if Padavano's are more considerate of who they book then they are willing to give it a try and then they can go through the rest of summer and revisit it.

Commissioner Salvidio stated that if it is in issue that the issue would come back before the Commission.

Ms. Clemente's mother stated that Ms. Padavano received a letter from the city telling her to remove the tables and she didn't. Ms. Padavano stated that she did not receive anything telling her to remove the tables.

Commissioner Salvidio stated that he is going to go back to when this was originally permitted and she didn't have the benefit of all the conversations that went on then and today is they are trying to come up with something that works for everyone since this is a constant problem on Shrewsbury Street.

Commissioner Salvidio asked if outside request is just for Sunday.

Ms. Padavano stated just for Sunday and anything else they want to do outdoor they would come in for a special permit.

Ms. Clemmente stated that she is willing to give it a shot to see how it works.

Commissioner Salvidio stated that Sunday to 11:00 p.m. is not going to work.

Ms. Padavano stated that they serve dinner to ten o'clock and that they had party come in at 9:30 p.m. and asked to sit and have dinner on the patio. Her sister had to tell them that it was closed so the party decided to go to the Flying Rhino since they have a patio that is open to 11:00 p.m. All she is looking for is a level playing field.

Commissioner Salvidio stated that they are looking to stay with the 20 patrons on the patio, no one is allowed on the grass, the entertainment on Sundays and allowing people to dine outside until 10:30 p.m.

Ms. Clemmente stated she would prefer 10:00 p.m.

Ms. Padavano stated that is not going to work.

Commissioner Salvidio stated this is for dining only and asked if they could try that and that no seating will be allowed past 10:00 p.m. and patio needs to be cleared by 10:30 p.m.

Ms. Clemmente stated that she was willing to try that.

Mr. Rolle asked for clarification if that would be for every night.

Chair Shea stated that it would be for all nights.

Commissioner Salvidio stated it would be for every night and last seating would be at 10:00 p.m. and the patio is restricted to an occupancy of 20 and asked if Ms. Padavano if they still used the speakers.

Ms. Padavano stated that they do but very low.

Mr. Rolle stated that City had recommended conditions that recorded music/amplified music not be plainly audible from the property line and it sounds like that is being done.

Commissioner Salvidio stated that he thinks this will go a long way to make business thrive and neighbors get along and there seems to be a spirit of compromise among the parties.

Mr. Rolle stated he would just like to reiterate the conditions

- 1. INDOOR ENTERTAINMENT ALLOWED EVERYDAY NOON TO 1:00 A.M-DOORS AND WINDOWS TO BE KEPT CLOSED**
- 2. OUTDOOR ENTERTAINMENT SUNDAY ONLY – 4:00 P.M TO 9:00 P.M.**
- 3. LIVE OUTDOOR ENTERTAINMENT LIMITED TO ACOUSTIC MUSIC ONLY.**
- 4. OUTDOOR SPEAKERS WILL BE NOON TO 10:30 P.M. SUNDAY, 4:00 PM-10:30 P.M. MONDAY THROUGH SATURDAY**
- 5. PATIO HOURS FOR DINING WILL BE 10:30 P.M.AND LAST SEATING IS 10:00 P.M**
- 6. MAXIMUM SEATING ON THE PATIO IS 20**
- 7. RECORDED MUSIC/AMPLIFIED MUSIC NOT BE AUDIBLE FROM THE PROPERTY LINE**
- 8. OUTDOOR SPEAKERS TURNED OFF AFTER 10:30 P.M.**
- 9. PATRONS LIMITED TO PATIO AREA. NO PATRONS ON THE GRASSED LANDSCAPED AREA**
- 10. NORTH FACING WINDOWS TO REMAIN CLOSED WHEN THERE IS ENTERTAINMENT**

Upon a motion the Commission voted 2-0-1 to approve the amended entertainment license with conditions as listed above.

Exhibit A: Email requesting change in entertainment license received July 2, 2015.

Exhibit B: Proposal for Padavano's dated August 6, 2015.

Exhibit C: Letter from Nikki Clemente dated August 6, 2015.

Exhibit D: Electronic communication from Ninozka Delacruz

Exhibit D: Electronic communication from Nicole Clemente

Exhibit E: Electronic communication from Leonita Machado

Violation Hearings

- 23.** Fusion Entertainment, LLC dba Byblos Lounge, 2 Washington Square
Violation of Rule #14 – manager responsible for all violations on the premises

Mr. Lahoud stated he would like to postpone item in order to obtain legal counsel.

Item postponed until September 3, 2015.

Exhibit A: Police report dated May 15, 2015.

Other Business

Communications

- 24.** ABCC Communication –Notice of Hearing – JP Alliance Inc. dba Shangri-La – 50 Front Street - Filed

ADJOURNMENT

Upon a motion the meeting adjourned at 11:50 a.m.