

**MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
April 5, 2012**

ESTHER HOWLAND CHAMBER – CITY HALL

Commission Members Present: Peter Lukes, Chairman
Karon Shea, Commissioner
Paul Mullan, Commissioner

Staff Present: Joel Fontane, Director, Planning & Regulatory Services
Deborah Steele, Planning & Regulatory Services
Luba Zhaurova, Planning & Regulatory Services
Attorney Alexandra Haralambous
Jim Foley, Inspectional Services

REGULAR MEETING (10:00 AM)

CALL TO ORDER:

Chairman Lukes called the meeting to order at 10:00 a.m.

MINUTES:

Upon a motion by and seconded by the Commission voted 3-0 to approve the meeting minutes of March 22, 2012.

Old Business:

1. 13-15 King Street – South Middlesex Non-Profit Housing Corporation

Petition: Request to transfer lodging house license to South Middlesex Non-Profit Housing Corporation

Ms. Steele informed the Commission members that she had not received approval of the background check on the application.

Katherine Garrahan from Bowditch & Dewey, LLP appeared on behalf of the applicant. Ms. Garrahan stated she had contacted Sgt. Petrone relative to the background check and he had not returned her call as of today.

Commission Mullan made motion to approve as he stated the application had already been continued twice.

Ms. Garrahan asked whether the application could be approved subject to an approved background check being received by License Commission.

Chairman Lukes stated he would not support that motion.

William Breault from the Main South Alliance spoke in opposition to the applicant. Mr. Breault stated that South Middlesex Corporation had stated previously at public meetings that before they bought a property that they would have meeting with neighbor and on this property it was not done.

Chairman Lukes explained that Commission could vote on Commissioner Mullan's motion but if it did not carry the application would be denied and asked Ms. Garrahan if she would prefer to have a continuance on the item.

Ms. Garrahan stated they would request a continuance to the April 19, 2012 license Commission meeting.

Commissioner Mullan withdraw his motion

Item continued until April 19, 2012 License Commission meeting

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.

287 Main Street – Ritual Inc

Petition: Request for change of manager to Nathan T. Aquilino

Nathan Aquilino appeared on behalf of application. Mr. Aquilino stated he is applying to take over managing the business.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the application for change of manager.

Exhibit A: Application for change of manager received in March 9, 2012 and dated March 6, 2012.

2. 41 Pleasant Street – Club Instyle

Petition: Request for change of condition of license relative to 18+

Farid Khalife appeared on behalf of petition. Mr. Khalife stated his attorney, Brian Forts, was still away but Club Instlye is looking to change the condition on their license relative to 18+ to include an additional evening.

Chairman Lukes stated that unfourtanetly that Lt. Johnson was not available for meeting and the Commission wanted input from the Police therefore would have to continue item until the April 19, 2012 License Commission meeting.

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

New Business:

4. 100 Institute Road – East Hall – Bill Battelle, Chartwells

Petition: Request for one day malt & wine license June 2, 2012, Liquor to be purchased from Horizon, Masciarelli, Atlas, MS Walkers Distributors

Exhibit A: Application for one day liquor permit received on March 21, 2012 and dated March 21, 2012

5. 100 Institute Road – Alden Hall – Bill Battelle, Chartwells
Petition: Request for one day malt & wine license June 12, 2012, Liquor to be purchased from Horizon, Masciarelli, Atlas, MS Walkers Distributors

Exhibit A: Application for one day liquor permit received on March 21, 2012 and dated March 21, 2012.

6. 10 Lincoln Square – Bill Battelle, Chartwells

Petition: Request for one day malt & wine license May 23, 2012, Liquor to be purchase from Horizon, Masciarelli, Atlas, MS Walker Distributors

Exhibit A: Application for one day liquor permit received on March 21, 2012 and dated March 21, 2012.

Items #4, #5, #6 were taken contemporaneously. Bill Battelle appeared on behalf of applications. He stated they were for different catered events.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the three one day liquor permits for May 23, 2012, June 2, 2012 and June 12, 2012.

7. 222 Harrington Way – Tracy Dill-Ecotarium

Petition: Request for one day all alcohol license May 12, 2012, Liquor to be purchased from United Liquors & Atlas Liquors

Tracy Dill from the Ecotarium appeared on behalf of application. Ms. Dill stated that 50-100 people would be expected at the event.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approved the one day liquor permit for May 12, 2012.

Exhibit 1: Application for one day liquor permit, received on March 29, 2012 and dated March 27, 2012.

8. 102 Russell Street – St. Spyridon Greek Orthodox Cathedral

Petition: Request for one day all alcohol license April 20, 2012 to be held at St. Spyridon Greek Orthodox Cathedral

The applicant did not appear for the meeting. However, the Commission members reviewed the application and as location has applied over the years for one day liquor permits allowed for the item to be heard without the applicant being present. Chairman Lukes asked Ms. Steele to remind the applicant that they need to be present for any future requests.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the one day liquor permit for April 20, 2012.

Exhibit 1: Application for one day liquor license received on March 26, 2012 and dated March 26, 2012.

9. 118 Cambridge Street – Ana Ramirez

Petition: Request for one day malt & wine license, April 7, 2012 to be held at Conchagua Restaurant

Michael Ramirez appeared on behalf of petition. Mr. Ramirez stated that the business has been having a hard time generating money and cannot afford to pay rent and they hope this event would help the business out financially.

Chairman Lukes asked who would be selling the alcohol.

Mr. Ramirez stated friends who are certified bartenders would serve.

Chairman Lukes asked if a police detail would be hired for event.

Mr. Ramirez stated they have contacted the Off-Duty Office at Police Department to hire a detail.

Chairman Lukes asked what the hours of event would be.

Mr. Ramirez stated hours would be from 8:00 p.m. – 2:00 a.m.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the one day liquor permit for April 7, 2012.

Exhibit 1: Application for one day liquor license, received on March 22, 2012 and received on March 22, 2012.

10. 278 Shrewsbury Street – Paul Barber

Petition: Request for (3) one day malt & wine liquor licenses: May 5, 2012, June 19, 2012, July 2, 2012

Paul Barber appeared on behalf of the applications.

Mr. Barber stated the May 5 event is for the Heart Walk and Lupus Fundraiser on Shrewsbury Street. The May 19 event is for the Taste of Shrewsbury Street and the July 2 event if for the fireworks.

Mr. Barber stated the set up will be exactly as previous years. It will be in a roped off area in the parking lot.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the three one day liquors permits for May 5, 2012, June 19, 2012 and July 2, 2012.

Exhibit A: Application for one day liquor permit received on March 28, 2012 and dated March 28, 2012.

11. 848 Main Street- Extreme Restaurant – Jovanny Ortiz

Petition: Request for common victualer license at Extreme Restaurant

Jovanny Ortiz appeared on behalf of the application. Mr. Ortiz stated he is taking over an existing operation and Spanish food will be served.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the common victualer license for Extreme Restaurant

Exhibit A: Application for common victualer license received on March 23, 2012 and dated March 23, 2012.

12. 56-58 Cedar Street – Becker College

Petition: Request to transfer lodging house license from Robert Mailloux to Becker College

Donald Rivers appeared on behalf of the application. Mr. Rivers stated that Becker College is taking over an existing lodging house and will house students at the location.

Chairman Lukes asked what location was used for before.

Mr. Rivers stated it was private lodging house but now will just be for students.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the lodging house transfer for 56-58 Cedar Street.

Exhibit A: Application for lodging house license received on March 9, 2012 and dated March 9, 2012.

13. 765 Main Realty – 765 Main Street

Status hearing

Attorney Jonathan Finkelstein, Richard Magdis and Clee Blair appeared to provide report.

The lodging license license was transferred to 765 Main Realty last year and Attorney Finklstein stated that in the past month all the City inspectors had been to the property and location had passed all the inspections.

Chairman Lukes stated he was glad to see that property had improved since last time appeared before the Commission.

The License Commission filed the item.

14. Request to extend Outdoor Sidewalk Dining from 11:00 p.m. to Midnight-
John Piccolo

John Piccolo appeared on behalf of petition.

Mr. Piccolo stated that he would like the outdoor sidewalk dining extended from 11:00 p.m. to Midnight as customer have requested to be able to have their dinner outside at later hour but cannot as currently the ending hours is 11:00 p.m.

Paul Barber stated that he would like to see the outdoor dining extended as the sun sets later in the evening and people are out later during the warmer months. He stated that when venues such as Hanover Theatre, DCU and Mechanics Hall have events that after these shows people want to go out to dinner cannot due to the time restriction.

Loreta Gjonka stated she would also be in support of extending the dining from 11:00 p.m. to Midnight as it would help out the restaurant businesses.

Chairman Lukes stated this is difficult issue and he did some research and some places allow the outdoor dining and this matter will require additional research as some communities have condition of stopping outdoor dining at Midnight, some don't start outdoor dining until May 1 and Boston requires that applicants for outdoor seating get approval from neighborhood associations.

Mr. Piccolo asked if there was any opposition to the petition.

Chairman Lukes stated there was and that License Commission had received a letter from Gary Vecchio and a call from Albert Belmonte who had both expressed their disapproval to any changes in outdoor seating.

Joel Fontane, Director, Planning & Regulatory Services stated that the administration is doing research on the outdoor seating and requested that License Commission continue item until the May 17, 2012 meeting and at that time a report will be present on the findings.

The Commission agreed to hold item until the May 17, 2012 License Commission meeting.

Mr. Piccolo asked whether the request to allow sidewalk dining would be taken up at the meeting.

Chairman Lukes stated that item is also being researched by the administration and would be taken up at the May 17, 2012 License Commission meeting.

Exhibit A: Letter from John Piccolo requested to amend outdoor dining received via fax on March 29, 2012 and dated March 29, 2012.

Exhibit B: Letter from Gary Vecchio via email on March 30, 2012.

Exhibit C: Letter from Chamber of Commerce dated April 3, 2012 and received on April 5, 2012.

Policy & Application – One Day Liquor

Ms. Steele informed the Commission that item was still under review will be presented at the next meeting.

MPG Worcester LLC dba Piccadilly Pub update

Ms. Steele stated that a letter was received updating the Commission on the now closed Piccadilly Pub.

Other

Chairman Lukes requested that Carrington Hall be brought in for a status hearing as the location has been auctioned off to a new buyer and therefore the Commission would need to find out the status of the liquor license at location.

Adjournment

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to adjourn the meeting at 10:33 a.m.