

MINUTES OF THE PROCEEDINGS OF THE  
LICENSE COMMISSION OF THE CITY OF WORCESTER

January 24, 2013

ESTHER HOWLAND CHAMBERS

Commission Members Present:

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

Staff Present:

Joel Fontane, Director, Planning & Regulatory Services  
Deborah Steele, Planning & Regulatory 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 a.m.

**Approval of the Minutes** –

January 10, 2013

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the minutes of January 10, 2013.

**Old Business**

1. 10 Claremont Street Sonny Nguyen

Petition: Request for lodging house license

Sonny Nguyen appeared on behalf of the item.

Mr. Nguyen stated he has been before the Planning Board and Zoning Board for approval and now is coming before the Commission for approval for a lodging license.

Russell Haims stated he owns 5 Claremont Street and that his tenants have had to call multiple times to complain about noise coming from 10 Claremont Street. He stated that not all the calls were recorded by the Worcester Police Department.

Mr. Haims stated Mr. Nguyen is not a full time landlord and was made aware of the problems at his property but problems persist.

Councilor Sarai Rivera stated she has no objections to a lodging house in the area as long it is run well but she has same concerns as Mr. Haims that if location is given a lodging house license the problems will persist.

Councilor Rivera stated Mr. Nguyen had been invited to several neighborhood meetings in order to work with the neighborhood but he has not attended any.

Mr. Nguyen stated he had not been invited.

Ms. Rivera presented to Commission emails that showed she had invited Mr. Nguyen to neighborhood meetings.

Mr. Nguyen stated the property has been empty since August and the problems had occurred because of one bad student who lived at property and he had that student removed.

Commissioner Mullan encouraged Mr. Nguyen to work with the neighborhood.

Commissioner Salvidio asked if this location had been used as an illegal lodging house.

Mr. Nguyen stated there was some confusion when he bought the property as he was told he was buying a single family home but in midst of buying was told it was considered a three family.

Mr. Haimes stated that when Mr. Nguyen first purchased the property he offered to help him and explain what the process would be for obtaining a lodging house license.

Upon a roll call the Commission voted 2-1, Commissioner Mullan and Chair Shea voting yes and Commissioner Salvidio voting no to approve the lodging house license at 10 Claremont Street.

Chair Shea encouraged Mr. Nguyen to meet with the neighborhood to prevent future problems at the site.

Exhibit A: Application for lodging house license received on December 12, 2012 and dated December 12, 2012.

## **New Business**

### **One Day Liquor Requests**

2.

65 Tainter Street      Boys & Girls Club of Worcester

Petition: Request for one day license – March 23, 2013

Ellen Tirrell appeared on behalf of item. She stated this was for annual hall of fame ceremony and there would be cocktail hour.

Chair Shea asked how many people were expected at event.

Ms. Tirrell stated around 100.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approved the one day liquor permit for Boys & Girls Club of Worcester.

Exhibit A: Application for one day liquor permit received on January 18, 2013 and dated January 18, 2013.

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3.

102 Russell Street St Spyridon Cathedral

Petition: Request for 2 (1) day licenses – February 16, 2013 March 2, 2013

Tony Economou appeared on behalf of item. He stated one event is for the Irish Festival and other is party at the church and security will be present at both events.

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

Exhibit A: Application for two one day liquor permits received on January 15, 2013 and dated January 15, 2013.

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### **Common Victualer**

4.

256 Grafton Street Gacal Halaal Market

Petition: Request for common victualer license

Saidali Bilal appeared on behalf of the item. He stated this is a convenience store which he has owned for five months and he like to now slice meat to sell.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license for Gacal Halaal Market.

Exhibit A: Application for common victualer license received on January 8, 2013 and dated January 8, 2013.

### **Entertainment**

5.

867 Grafton Street Fiesta Shows

Petition: Request for carnival – April 3-7, 2013

7 Neponset Street Fiesta Shows

Petition: Request for carnival – April 10-21, 2013

Ms. Steele informed the Commission that this item had been postponed.

## Liquor Requests

6.

287 Main Street                      Krazy Horse Inc.

Petition: Request for change of manager

Samuel Demato appeared on behalf of item.

Lt. Johnson stated he has passed the background check.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the change of manager for Krazy Horse, Inc.

Exhibit A: Application for change of manager received on January 4, 2013 and dated January 4, 2013.

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7.      43 Pleasant Street      Tammany Music Hall LLC

Petition: Request for change in officers/directors

Thomas Hammod appeared on behalf of the item.

Lt. Johnson stated he had passed the background check.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the change in officers/directors for Tammany Music Hall LLC.

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8.      258 Park Avenue      Wuhan Enterprises Inc.

Petition: Request for change of manager, change of officer/director, change of stock

Ms. Steele informed the Commission that this item had been postponed.

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9.      144 Main Street                      The Armsby Abbey

Petition: Request for alteration of premises.

Alex Lopez appeared on behalf of the item. Mr. Lopez stated he plans to expand the dining room by 35 seats.

Chair Shea stated that the Commission members along with Lt. Johnson had view the site prior to the meeting.

Commissioner Mullan asked if Mr. Lopez was all set with landlord and the lease for the new space.

Mr. Lopez stated he was.

Jim Foley from Inspectional Services asked that a set of plans be submitted to their department.

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

Exhibit A: Application for alteration of premises received on December 27, 2012 and dated December 27, 2012.

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10. 730 West Boylston Street Worcester Discount Package Store Inc. dba KJ Baarons  
Request for transfer of location from 210 Summer Street

Attorney Daniel Cotton, Katie Krock and Tomas Pirani appeared on behalf of the item.

Mr. Pirani stated he was the landlord for 730 West Boylston Street and location has been empty for a year and it would be nice to have a new tenant in the property.

Attorney Cotton stated this will be a transfer of location of the existing store from Summer Street to 730 West Boylston Street and will be same type of store which the focus is on fine wines, gift baskets, gourmet foods, wine tasting.

Attorney Cotton stated he was aware that the License Commission had disapproved the Price Chopper application few weeks prior but Ms. Krock's store is not duplicating what the package stores offer in the West Boylston Street area and that she has a dedicated clientele and expects that her clientele will follow her to the West Boylston Street location.

Commissioner Salvidio asked what would be the make up of the store.

Ms. Krock stated she would not be changing the concept of the store and will be same set up selling fine wines and gifts baskets.

Commissioner Mullan asked if the store would be serving a need not currently met in the West Boylston Street area.

Ms. Krock stated yes as her package store is different than other liquor stores and serves different customers.

Attorney Cotton stated Ms. Krock needs to leave location she is in as her lease has expired.

Commissioner Mullan asked Attorney Cotton if he thought proposed location is saturated.

Attorney Cotton stated no as other parts of the City have more licenses and this store would be less competition for the existing store in the area.

Commissioner Salvidio asked what percentage of sales were wine.

Ms. Krock stated 80%.

Chair Shea asked what % was gift baskets.

Ms. Krock stated she wasn't sure but was large part of the business.

Attorney Cotton stated that the store will continue to do wine tastings.

Commissioner Salvidio asked if store sells higher end wines.

Attorney Cotton stated the store prides itself on selling different wines that typical package stores do not carry.

Representatives from liquor stores around the area offered their public comments and the general consensus was that there was no public need for another liquor store in the area

Commissioner Mullan noted that the License Commission is sensitive to current license holders but competition is not a factor under the Ballarin case decided by the courts and a license cannot be denied under that basis.

Commissioner Mullan asked Ms. Krock is she had on-line scanner at current store for checking ID's.

Ms. Krock stated she did.

Upon a roll call the Commission voted 3-0 to approve the transfer of location to 730 West Boylston Street.

Commissioner Salvidio stated the reason he voted to approve this location was that applicant has distinguished that her store is different from other stores in the area and would not compete with the existing licenses in the area and the product she sells is different from stores in that vicinity.

Exhibit A: Application for transfer of location received on December 27, 2012 and dated December 27, 2012.

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11.

241 Southbridge Street AA Brothers, Inc. dba Emperor's Club  
Petition: Request for change of manager.

Charles Wypyszinski appeared on behalf of the item.

Lt. Johnson stated he had passed the background check.

Upon a motion by Commissioner Mullan the Commission approved the change of manager for AA Brothers, Inc. dba Emperor's Club

Exhibit A: Application for change of manager received on January 14, 2013 and dated January 14, 2013.

### **Violations**

12.

Allstar Liquor, Inc, Violation of Rule #6

253-261 Lincoln Street

Gurmeet K. Singh along with Gary Smith appeared on behalf of the item.

Lt. Johnson presented the following:

On August 12, 2012, Officers Edward Saucier, Bill Stout and Lt. Jim Johnson conduct compliance checks at various package stores throughout the city.

A 19 year old male accompanied the police and was instructed to enter certain package stores and attempt to purchase a six pack of Bud Light cans without providing identification.

The minor was instructed to politely state he did not have identification if asked, not to be confrontational at any time and to walk out of the business calmly with or without making a purchase. He was given these instructions each time he entered a different store. The officers observed him both entering and exiting the stores.

Prior to going out, the 19 year old male was given a breathalyzer test in the cell room, and again upon his return to the station. He was not allowed to carry identification on his person.

At around 1605 hrs, the 19 year old male entered All Star Liquors, located at 253 Lincoln St., and purchased a six pack of Bud Light 12 ounce cans for \$6.79, without being asked to provide identification.

Officer Saucier entered All Star Liquors a short time later to advise them of the violation. The clerk stated that he must have been distracted at the time of the sale because he (the clerk) was talking to another customer. He was advised that the manager would be notified to appear before the License Commission for the violation.

Mr. Smith stated had become distracted and had sold to the minor and admitted the violation.

On May 11, 2008, All Star Liquors was found in violation of Rule #6 (2 counts) of the Worcester License Commission Rules and Regulations for sales to persons under 21 and received a three day suspension.

On March 31, 2006, All Star Liquors was found in violation of Rule #21 of the Worcester License Commission Rules and Regulations, for a sale to a person under 21 and received a warning.

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

Upon a roll call the Commission voted 3-0 to issue a warning.

Exhibit A: Police reported dated August 15, 2012

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13.

Tulsi Corporation      Violation of Rule #6  
dba Crowley Package Store  
638A Chandler Street

Jignesh Pachani along with Attorney Matt Ailer and Joe Harrity appeared on behalf of item.

On August 12, 2012, Officer Edward Saucier along with Lt. Jim Johnson and Officer Bill Stout, conducted compliance checks at various package stores throughout the city.

A 19 year old male accompanied the police and was instructed to enter a package store and attempt to purchase a six pack of Bud Light cans without providing identification.

The minor was instructed to politely state he did not have identification if asked. He was instructed not to be confrontational at any time and to walk out of the business calmly with or without making a purchase. He was given these instructions each time he entered a different store and he was observed both entering and exiting the stores.

At around 1750 hrs, the 19 year old male entered Crowley Package Store located at 638 Chandler St. and purchased a six pack of Bud Light 12 ounce cans for \$6.49 without being asked to provide identification. Officer Saucier went to Crowley Package Store a short time later to advise them of the violation but they were now closed. Office Saucier knocked on the door and the clerk eventually opened the door. The clerk stated he was sorry. He was advised that the manager would be notified to appear before the License Commission for the violation.

Mr. Pachani stated that violation had occurred..

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

Upon a roll call the Commission voted 3-0 to issue a one day suspended suspension.

Exhibit A: Police report dated August 12, 2012.

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14.

Allgos Sweets & Drinks Inc.

53 Shrewsbury Street Cessation of business

Naat Paiva appeared on behalf of item.

Ms. Paiva stated she had fire at beginning of 2012 and business was unable to recover since then but would like to thank the Commission for their help over the years.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to rescind the license for Allgos Sweets & Drinks, Inc.

**Lodging**

15.

7 Marston Way

Change of manager

Item was postponed.

Upon a motion by Commissioner Mullan the Commission 3-0 to adjourn the meeting at 11:43 a.m.