

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

April 25, 2013

ESTHER HOWLAND CHAMBERS

**Commission Members Present:**

Karon Shea, Chairperson

Paul Mullan, Commissioner

**Commission Members Absent:**

Anthony Salvidio, Commissioner

**Staff Present:**

Joel Fontane, Director of Planning & Regulatory Services

Marlyn Feliciano, 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 am.

**Unfinished Business**

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

Petition: Request for alteration of premises to allow outside seating

Tobias Cassidy stated he was the general manager for Jillian’s. He wants to have outdoor seating for 20 right outside his front entrance. He wants to move the handicapped space to the other side in order to allow for the tables and chairs but that will eliminate one parking space. The area will be fenced off.

Mr. Fontane stated that the dimensions are needed on his plan, even if the drawing is not to scale.

Lt. Johnson stated that he saw the location the night before but believes that the Commission needs to do a site visit and see this personally.

Mr. Fontane stated that in order for Mr. Cassidy to have 20 seats, he would have to not take any required parking.

Upon a motion by Commissioner Mullan, the Commission continued the item to May 9, 2013 to allow the Commission to view the site and to allow staff to look into the required parking for that location.

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

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

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

This item was continued to May 9, 2013.

**3. 118 Water Street – Ole**

Rescind the previous action and reconsider the application

John Haskell was present for this matter. Commissioner Mullan stated that in the last meeting the Commission had approved the Common Victualer and Section 12 license with the ability to stay open till 4 am to serve food. Unfortunately that is not allowed so the Commission needed to take a vote to rescind the previous approval.

Upon a motion by Mr. Mullen, the Commission rescinded the approval of the Section 12 license. Upon a motion by Commissioner Mullan, the Commission approved the license with a 2 am closing.

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

**New Business**

**One Day Liquor Requests**

**4. 60 Tainter Street – Boys & Girls Club of Worcester**

Petition: Request for one day permit on 6/14/13

Kenny Hoffman, representing the Boys & Girls Club, stated they want an all alcohol one day permit to have their annual fundraiser on June 4, 2013. It will be from 5:30-9:30 and they expect 150-200 people.

Upon a motion by Commissioner Mullan, the Commission approved the special one day as amended.

Exhibit A: Special One Day Application dated and submitted April 3, 2013.

**5. 25 Foster Street – Chartwells (Bill Battelle)**

Petition: Request for one day permit on 5/16/13

Bill Battelle stated this was for the Worcester Community Action Council award ceremony that will be held on May 16, 2013 for 75-100 people.

Upon a motion by Commissioner Mullan, the Commission approved the special one day as submitted.

Exhibit A: Special One Day Application dated March 7, 2013 and submitted March 8, 2013.

**6. 10 Lincoln Square – Chartwells (Bill Battelle)**

Petition: Request for one day permit on 6/7/13

Bill Battelle stated that this event was a summer formal for graduating students of MCPHS. It will be held in the ballroom and they expect approximately 100 people.

Upon a motion by Commissioner Mullan, the Commission approved the special one day as submitted.

Mr. Battelle also stated that the June 1, 2013 event at the WPI Quadrangle that they were already approved but was being moved inside. Commissioner Mullan stated that he just needed to inform the office so they could make the change to the license.

Exhibit A: Special One Day Application dated and submitted April 19, 2013.

**7. 102 Russell Street – St. Spyridon Cathedral**

Petition: Request for one day permit on 5/11/13

George Economou stated that this event would be a wedding for 140 people and it will be held from 4 pm – 10 pm.

Upon a motion by Commissioner Mullan, the Commission approved the special one day as submitted.

Exhibit A: Special One Day Application dated and submitted April 11, 2013.

**8. 1 College Place – Holy Cross College**

Petition: Request for one day permit on 5/23/13

Paul Irish stated that this was for commencement and will be held at Kimball dining hall. They expect about 1500 people. Commissioner Mullan stated that they can only store the alcohol one day before and one day after the event so they need to amend that.

Upon a motion by Commissioner Mullan, the Commission approved the special one day as amended.

Exhibit A: Special One Day Application dated April 4, 2013 and submitted April 5, 2013.

**9. 1 College Place – Holy Cross College**

Petition: Request for six one day permits

Kristyn Dyer stated that the school will hold 2 reunion weekends. All will be for alumni, who are 22 and over. They will have cash bars. The servers are TIPS certified. They expect 75-300 people per event and will have the cash bar from 6 pm – 8 pm.

Upon a motion by Commissioner Mullan, the Commission approved the special one day as submitted.

Exhibit A: Special One Day Application for 6 events dated April 4, 2013 and submitted April 9, 2013.

**10. 278 Shrewsbury Street – Flying Rhino**

Petition: Request for 19 one day permits

Paul Barber was present for this matter. He stated he is looking for 19 special one day permits. He would set up a 4 ft. construction fence and have one entrance. The food will be outside. He plans to have a solo artist from 4 pm to 7 pm and a band until 11 pm.

Donald Morse, 1 Envelope Terrace resident, stated he was representing the 43 unit owners from the condos at 1 Envelope Terrace. He stated that the previous year the music was extremely loud and he is over 200 ft away. He called repeatedly and was hung up on. He stated that Councilor Palmieri called Mr. Barber and asked that they keep the music down after 10 pm. The other residents have the same complaints.

Joe, resident at 21 Wilson Street, stated he lives right behind the restaurant. He says he can't enjoy his house because music is too loud. He understands there are events like the taste of Shrewsbury, the fireworks, etc. that go a little later but the other events should not go past 10 pm.

Mr. Barber responded that the problem was the DJ they were using and they will not be using him anymore. Also, he has accommodated these events on Friday nights, rather than Thursday nights so that it wouldn't disturb the neighbors.

Commissioner Mullan stated that these are legitimate complaints and Mr. Barber should consider ending the events at 10 pm.

Mr. Barber stated that he wanted to get approved for the Cinco de Mayo (May 5, 2013) event and he will end it at 10 pm. He can come back for approval to the other events.

Commissioner Mullan stated that the application will be amended to malt and wine only and from 12 pm to 10 pm on May 5, 2013.

Mr. Fontane stated that the area covered by the one day permit should not overlap by the area already covered under the Section 12 license.

Mr. Barber stated there will be one entrance to the parking lot and ID's will be checked at the entrance. There will be crowd control managers and police details for the event and the staff is TIPS trained.

Commissioner Mullan stated that there should be no egress from the deck to the patio.

Mr. Barber stated that he will distribute the speakers throughout the area to try to mitigate the sound.

Commissioner Mullan stated that this approval sets no standard. Upon a motion by Commissioner Mullan, the Commission approved the special one day and entertainment licenses for May 5m, 2013 from 12 pm to 10 pm. The amplification has to be within control limits of the sound ordinance.

Exhibit A: Special One Day Application for 19 events dated April 3, 2013 and submitted April 11, 2013.

**11. 500 Salisbury Street – Assumption College**

Petition: Request for 2 one day permits on 6/1/13

Michael Rubino was present to represent Assumption College in the matter. He stated he needed to amend the dates to May 8, 2013 and May 9, 2013. Both events will be held in the Plourde Recreational Center at the college. The May 8, 2013 event will be held from 5 pm – 11 pm and the May 9, 2013 event will be held from 8 pm – 2 am. Sodexo will do the bartending and they will use college security. They expect approximately 300 people.

Upon a motion by Commissioner Mullan, the Commission approved the special one day permits as submitted.

Exhibit A: Special One Day Application dated April 12, 2013 and submitted April 16, 2013.

**12. 34 Boynton Street – Central Massachusetts Filipino American Association**

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

Valerie Veridiano stated that the Central MA Filipino American Association is holding their May Fiesta event. They created the association 12 years ago and they do this event every year but this is the first year they are having liquor. Security will be provided by the Armenian center. They are expecting 200-250 people and they will hold it from 6 pm to 12 am.

Lt. Johnson stated that he would recommend that they have at least one police detail. Ms. Veridiano stated that they already paid the Armenian center for their security detail but she stated that this was a family event, which they have held for years and have had no issues. The Commission stated that the private security should be sufficient.

Upon a motion by Commissioner Mullan, the Commission approved the special one day permits as amended (storage dates were amended to be compliant with the one day storage law).

Exhibit A: Special One Day Application dated March 18, 2013 and submitted April 18, 2013.

**Common Victualer – Food Only**

**13. 60 Foster Street – Dunkin Donuts Express**

Petition: Request for common victualer license

Robert stated that this was to open a Dunkin Donuts Express at the new Union Station hub.

Upon a motion by Commissioner Mullan, the Commission approved the common victualer license as submitted.

Exhibit A: Common Victualer Application dated and submitted April 16, 2013.

**14. 121 Gold Star Boulevard – Tutti Frutti**

Petition: Request for common victualer license

Chris Pak stated he wants to open a frozen yogurt establishment in the same plaza as Austin Liquors. It will only have 20-25 seats.

Upon a motion by Commissioner Mullan, the Commission approved the common victualer license as submitted.

Exhibit A: Common Victualer Application dated and submitted April 12, 2013.

**15. 1059 Grafton Street – A.P. Fish Co., Inc.**

Petition: Request for change to common victualer license

Mike Pizzarella stated he wants to change from retail food to food service so that he can add things that are already prepared to his business. He has been there for 20 years and will make no additions or changes to the building. This will be just for takeout.

Upon a motion by Commissioner Mullan, the Commission approved the common victualer license as submitted.

Exhibit A: Common Victualer Application dated and submitted April 12, 2013.

**16. 394 Belmont Street – JohnnyFugata**

Petition: Request for common victualer license

Mike Bernier and John Piccolo were present on behalf of this application. They explained this was a former D'Angelo's site. They want to open for lunch and dinner, 11:30 am to 9:00 pm. They applied to the Zoning Board to be allowed a liquor license at that location but in the meantime they will only serve non-alcoholic beverages. They will have 40-45 seats in the restaurant.

Upon a motion by Commissioner Mullan, the Commission approved the common victualer license as submitted.

Exhibit A: Common Victualer Application dated and submitted April 12, 2013.

**Entertainment License**

**17. Worcester Common – Anthem Thermal Solutions, Inc.**

Petition: Request entertainment license for the Liberty Tour Worcester Criterium on July 28, 2013

Dieter Drake from Anthem Sports stated this was a competitive cycling event on August 28, 2013. They will be closing streets from 1:00 pm to 7:30 pm. They amended the course to start and end on Franklin Street.

Jo Hart, Worcester resident, requested that the applicant work with Department of Public works to ensure public transportation isn't affected by the city streets closing.

Upon a motion by Commissioner Mullan, the Commission approved the entertainment license as amended.

Exhibit A: Entertainment Application dated and submitted February 7, 2013.

**18. Elm Park – Food Truck Festivals of New England, LLC**

Petition: Request for entertainment license

Megan Buren stated that this is the 2<sup>nd</sup> Annual Food Truck Festival at Elm Park. They plan to close Park Avenue from Elm Street to Highland Street. There will be 1 tent set up for the beer garden, which will come for approval in a few weeks. They also plan to have a DJ and their radio partners there. The event will run from 11:00 am to 5:00 pm.

Commissioner Mullan asked if they still plan to have live music. The applicant stated that there will not be live music this year.

Upon a motion by Commissioner Mullan, the Commission approved the entertainment license as amended (eliminating live music and including radio).

Exhibit A: Entertainment Application dated and submitted April 8, 2013.

**19. 278 Shrewsbury Street – Flying Rhino**

Petition: Request for entertainment license

Taken up contemporaneously with item #10.

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

**Liquor Requests**

**20. 50 Southwest Cutoff – Chuck E. Cheese**

Petition: Request for change of officer

Kate Colotte stated they are doing an officer change because one of their officers left. Lt. Johnson stated that the background checks are all set.

Upon a motion by Commissioner Mullan, the Commission approved the change of officer application as submitted.

Exhibit A: Change of Officer Application dated March 13, 2013 and submitted April 4, 2013.

**21. 40 Grafton Street – MB Lounge**

Petition: Request for alteration of premises

Marc Guinette was present. He stated he wants to add outdoor seating. The area will be gated. The landlord is pleased because the area being used and gated will prevent unwanted people from using that area. The outdoor seating will be open to 2 am daily. There are no residents nearby and they will secured the stairs so that no one can access the 2<sup>nd</sup> floor.

Upon a motion by Commissioner Mullan, the Commission approved the alteration of premises application as submitted.

Exhibit A: Change of Officer Application dated April 7, 2013 and submitted April 8, 2013.

### **Status Hearings**

**22. 316 Main Street – Blush Yogurt Cafe**

Status of liquor license

The owner was not present for the status hearing after several attempts to notify and re-scheduling this hearing. Upon a motion by Commissioner Mullan, the Commission approved to hold a cessation of business hearing at the next meeting.

**23. 43 Pleasant Street – Tammany Hall**

Status of new officer and transfer of stock application

The applicant was not present. Upon a motion by Commissioner Mullan, the Commission postponed the hearing to May 19, 2013.

### **Other Business (Communications)**

**24. ABCC Communication – 413 Park Ave – Mahoney’s**

No Comment

**25. Email Communication - 56 Shrewsbury Street – Victory Bar & Grill**

Upon a motion by Commissioner Shea, the Commission voted to rescind their previous approval.

### **Adjournment**

The meeting was adjourned at 11:10 am.