

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

ESTHER HOWLAND CHAMBER – CITY HALL

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

Staff Present: Deborah Steele, Division of Planning & Regulatory Service
Edgar Luna, Division of Planning & Regulatory Services
Jennifer Beaton, Law Department
Alex Haralambous, Law Department
Lt. James Johnson, Worcester Police Department
Officer Edward Saucier, Worcester Police Department
Officer Mark Jolin, Worcester Police Department
James Foley, Health Department

REGULAR MEETING (10:00 AM)

CALL TO ORDER:

Chairman Lukes called the meeting to order 10:03 a.m.

MINUTES:

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Board voted 3-0 to approve the minutes of December 8, 2011 & December 22, 2011

Unfinished Business:

1. One Einhorn Road – Yarock Memorial Housing Inc

Petition: Request for lodging house license
Item continued until the February 2, 2012 License Commission meeting.

EXHIBIT 1: Application for lodging house dated November 9, 2011 and received on November 9, 2011.

2. 139 Green Street – Square One Sports Bar & Grille, Inc-Danielle Spring

Petition: Request for change of manager and transfer of stock
Item continued until the January 19, 2012 License Commission meeting.

EXHIBIT 1: Application for change of manager and transfer of stock dated September 29, 2011 and received on October 21, 2011.

New Business:

3. Simeon & Maria Chatzopoulos – St. Spyridon Cathedral

Petition: Request for one day liquor permit – March 10, 2012 – 7:00 p.m. – 1:00 a.m.

Simeon & Maria Chatzopoulos appeared on behalf of application. Maria stated that event is for their daughter's engagement party.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve a one day liquor permit for March 10, 2012.

EXHIBIT 1: Application for one day liquor permit dated December 15, 2011 and received on December 15, 2011.

4. St. George Cathedral – Judy Shaughnessy

Petition: Request for (2) one day liquor permits – January 4, 2012 & February 11, 2012 – 6:00 p.m. – Midnight. Liquor to be purchased from Atlas

Applications are for fundraisers for the church and 300 people are expected at the event.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve a one day liquor permit for January 4, 2012 & February 11, 2012.

EXHIBIT 1: Application for one day liquor permit dated December 30, 2011 and received on December 30, 2011.

5. 22 Sagamore Road – The Bartending Service of New England LLC

Petition: Request for one day liquor permit on January 12, 2012 – 5:30 p.m. – 8:00 p.m. Liquor to be purchased from Colonial Wholesale & Trio Wine

Bill Fuller from the Bartending Service of New England appeared on behalf of the application. Mr. Fuller stated the event is for a new exhibit at the Worcester Center for Crafts.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve a one day liquor permit for December 16, 2011.

EXHIBIT 1: Application for one day liquor permit dated December 16, 2011 and received on December 16, 2011.

6. 976A Main Street – John Gyasi – Tropical Gardens

Petition: Request for common victualer license at Tropical Gardens

John Gyasi appeared on behalf of application. Mr. Gyasi stated he had another location at 334 Chandler Street but current landlord went up on rent and he could not afford new rent and therefore is moving location to 976A Main Street

Commissioner Mullan asked if there would be any entertainment at location. Mr. Gyasi stated there would be no entertainment and would just be a food only establishment.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve a common victualer license for 976A Main Street.

EXHIBIT 1: Application for a common victualer license dated December 23, 2011 and received on December 23, 2011.

7. 194 Park Avenue – Marieta Zaruho – Bagel Time

Petition: Request for common victualer license at Bagel Time

Marieta Zaruha appeared on behalf of application. Ms. Zaruha stated she has worked at the business for over fifteen years and now is taking over running the establishment.

Upon a motion by Commissioner Shea and seconded by Commissioner Mullan the Commission voted 3-0 to approve a common victualer license at 194 Park Avenue.

EXHIBIT 1: Application for a common victualer license dated December 30, 2011 and received on December 30, 2011.

8. 87 Townsend Street – Konstantionos Singas – Elm Park Grille Inc.

Petition: Request to transfer common victualer all alcohol license & entertainment license from Biagio's Grille, Inc.

Konstantinos Singas & Attorney Nick Moudios appeared on behalf of application. Mr. Moudios stated that Mr. Singas will be taking over Biagio's Grille and establishment will serve Mediterranean Food.

Lt. Johnson stated police would recommend approval.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the common victualer all alcohol license & entertainment license.

EXHIBIT 1: Application for transfer of liquor license dated December 16, 2011 and received on December 22, 2011.

9. 321 West Boylston Street – Matthew Jette – Snows Restaurant & Pub

Petition: Request for common victualer all alcohol license

Matthew Jette appeared on behalf of the application. Mr. Jette stated this will be a sit down restaurant with a take out area and food will be steak, seafood, ice cream.

Mr. Jette stated he has owned and currently owns several restaurants and has the experience to run this restaurant.

Commissioner Mullan stated he went on view on premises prior to meeting and stated that no alcohol will be in the take out portion of the restaurant.

Mr. Jette stated that customers will only be able to purchase the alcohol in restaurant portion and no alcohol will be in take out area.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the common victualer all alcohol license for Snows Restaurant & Pub.

EXHIBIT 1: Application for new license dated December 20, 2011 and received on December 22, 2011.

Hearings:

10. 41 Pleasant Street – City Instyle Inc

Farid Khaledi & Attorney Brian Forts were present to respond to the violations.

Lt. Johnson presented the following:

On December 2, 2011, Officer Mark Jolin of the Worcester Police Department Alcohol Enforcement Unit was in an unmarked police cruiser when he heard a radio transmission from police officers at Club In Style that there was a fight at location.

Upon arrival at scene Officer Jolin observed it was chaotic and observed Officers Luis Baez and Robert Molinari with two separate males in custody on the sidewalk. The male Officer Molinari had in custody was thrashing wildly and attempting to kick his legs back and forth to either free himself from Officer Molinari or kick Officer Molinari. Officer Jolin came to assist Officer Molinari and to Officer Jolin the male appeared intoxicated. The male continued to try to kick his legs and twist his body while swearing at Officer Molinari and Officer Jolin. During this time Officer Jolin observed other fights and counted nineteen police officers attempting to gain control of the situation. Officer Jolin observed one male push Sergeant Donald Larange and it was later learned that the male who pushed Sergeant Larange was a bouncer from the Club In Style.

The non compliant male that Officer Molinari and Officer Jolin were dealing with was placed under arrest as he was visibly intoxicated.

A supplemental report from Officer Steven Hair stated that the male had jumped out of the wagon was acting irrational and that while the male was in the holding tank was yelling and banging his head on the window of the tank.

A total of four arrests were made that evening and three of the males arrested were under 21 years of age.

Officer Jolin's report points out that during this incident three Worcester Police Officers were injured and two of them were taken by ambulance to the hospital.

Attorney Forts stated that establishment has been doing everything to prevent situations like this happening and hires off duty police officers.

Attorney Forts stated that the bouncer in question had just been hired and security procedures had been reviewed with him.

Attorney Forts stated that the establishment fired the bouncer that evening after incident happened.

Attorney Forts stated establishment would be willing to hire extra police detail if Commission deemed necessary.

Commission members reminded applicant that Commission members had allowed establishment to have 18+ nights several months ago but had warned applicant that the privilege could be taken away if any incidents happen at establishment.

Attorney Forts pointed out that there are several establishments in area that do not have condition on license relative being 21 years or older to enter and that if Club Instyle is not allowed to have any evenings 18+ they will lose business.

Attorney Forts suggested that Commission in lieu of taking away 18+ evenings implement a suspension on establishment.

Commissioner Mullan stated he is not of support of 18+ evenings but since incident did occur outside there is no way of knowing if all patrons were coming from Club Instlye.

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

Upon a roll call the Commission voted 3-0 that Club Instyle will no longer be allowed 18+ on Friday evenings and that a one day suspension on a Saturday be imposed.

EXHIBIT 1: Worcester Police Report dated December 2, 2011.

Violations of Rule #14, M.G.L. c. 138, §34

**11 . 139 Green Street – Square One Sports Bar
Violations of Rules #13, #14, MGL c. 138 §69**

Item continued until the January 19, 2012 License Commission meeting

Upon a motion by Chairman Lukes and seconded by Commission Shea the Commission voted 3-0 to adjourn the meeting at 10:50 a.m.