

**MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
January 19, 2012**

ESTHER HOWLAND CHAMBER – CITY HALL

Commission Members Present: Karon Shea, Commissioner
Paul Mullan, Commissioner

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

REGULAR MEETING (10:00 AM)

CALL TO ORDER:

Commissioner Shea called the meeting to order 10:01 a.m.

MINUTES:

January 5, 2012 minutes – Held

New Business:

1. 118 Main Street – Alejandro Lopez

Alex Lopez appeared on behalf of application. Mr. Lopez stated he currently manages Armsby Abbey and this will be a bakery which will make bread & cheese and operate in separate building next door.

Upon a motion by Commissioner Shea & seconded by Commissioner Mullan the Commission voted 2-0 to approve a common victualer license for Crust.

Exhibit A: Application for common victualer license dated December 28, 2011 and received on January 6, 2012.

2. 566C Southwest Cutoff – Li Mei Xiu

Li Mei Xiu appeared on behalf of application. Ms. Xiu stated it will be a small restaurant with four tables inside. Ms. Xiu stated it would mainly be a take-out restaurant.

Upon a motion by Commissioner Mullan and seconded by Commissioner Shea the Commission voted 2-0 to approve the common victualer license for China Sea Chinese Restaurant.

Exhibit A: Application for common victualer license dated January 3, 2012 and received on January 3, 2012.

3. 94 Belmont Street – Albinos Grocery & Deli Inc.

Attorney Sean Murray & Carmen Ortiz appeared on behalf of application. Attorney Murray stated Ms. Ortiz will be taking over Albino's Grocery & Deli which has a package store malt & wine license.

Lt. Johnson stated background check would still need to be completed. Upon a motion by Commission Mullan and seconded by Commissioner Shea the Commission voted 2-0 to approve the transfer of the package store malt & wine license to Albino's Grocery & Deli subject to approval of police background check.

Exhibit A: Application for liquor license dated January 5, 2012 and received on January 6, 2012.

4. 53 Shrewsbury Street – Cessation of Business

Naat Paiva appeared on behalf of item. Ms. Paiva stated that there was fire in building in June 2011 and owner of building had been waiting for insurance settlement in order to rebuild at location.

Commission agreed that item should be continued for sixty days in order to get update on whether Ms. Paiva could reopen at this location.

5. 751 Main Street – Luong Nguyen Club Keikio- Cessation of Business

Ms. Steele provided update. License Commission approved transfer of business in October 2011 and application had been returned by Massachusetts Alcoholic Beverages Control Commission due to taxes being owed. The applicant had provided at beginning of week a certificate of good standing showing all taxes had been paid and application had been resubmitted to Alcoholic Beverages Control Commission.

Commission will wait for final approval from Alcoholic Beverages Control Commission.

6. 70 Winter Street – Status hearing

In September 2011 the License Commission placed a condition of the 70 Winter Street liquor license that police details be required on: Thursday, Friday & Saturday and condition was to be reviewed in sixty day.

Attorney Joseph Lussier & Paul Aboody appeared on behalf of item.

Mr. Aboody stated that business has been impacted dramatically by having to hire the police details.

Lt. Johnson stated there have been no problems at location since the police condition was implemented. He stated if that conditions was to be lifted he would like to review a security plan with the license holder.

Commissioner Mullan stated that this item was just on as status hearing and if applicant wish to have condition removed then license holder will need to file something asking for condition to be removed.

7. 347 Greenwood Street – Joe Rich, Incorporated

Joseph Cancelmo & Richard Nevelsky appeared on behalf of application. Mr. Cancelmo stated that they plan to move from their current location at 347 Greenwood Street as lease is expiring at 242 Mill Street. There would be no change in the way the establishment is run.

Upon a motion by Commissioner Mullan and seconded by Commissioner Shea the Commission voted 2-0 to approve the transfer of the common victualer all alcohol license from 347 Greenwood Street to 242 Mill Street.

Exhibit A: Application for change of location dated January 6, 2012 and received on January 6, 2012.

Unfinished Business:

8. 139 Green Street – Square One Sports Bar & Grille, Inc-Danielle Spring

Attorney Carl Aframe & Danielle Spring appeared on behalf of application. Attorney Aframe stated that the current manager had resigned and Ms. Spring will be taking over as manager and Danielle and Michelle Jussaume will each have 50% ownership in the business.

Upon a motion by Commissioner Mullan and seconded by Commissioner Shea the Commission voted 2-0 to approve the change of manager and transfer of stock.

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

Hearings:

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

**9 . 139 Green Street – Square One Sports Bar
Violations of Rules #13, #14, MGL c. 138 §69**

Lt. James Johnson reported the following:

On August 20, 2011 during the evening hours, Police Officers, Shane Marcotte and Steve Bonczek were on uniformed patrol in a marked police vehicle in the Green St area when they noticed a disturbance/fight in the parking lot (next to the outdoor patio) of Square One, 139 Green St.

A female was observed physically assaulting another female by pulling her hair and attempting to strike her. The police observed doorman from Square One trying to separate the two females.

Officers determined that reason for assault was that one of the females believed her friend was too intoxicated to drive and tried to prevent her from getting into her car and was assaulted by her friend.

The assaulting female was placed under arrest for disorderly conduct.

Officer Edward Saucier responded to Square One as a result of the disturbance and spoke with a bouncer, John Dotson. Mr. Dotson stated to Officer Saucier that the female was drunk before she got to Square One and that she had two Malibu and pineapples to drink at the licensed premises.

Attorney Aframe stated that report presented by the Worcester Police Department was accurate.

Lt. Johnson stated that the establishment has been working with Worcester Police Department on how to manage the place better but warned Ms. Spring that she needs to follow all the rules.

Upon a roll call the Commission voted 2-0 that the violation occurred.

Upon a roll call the Commission voted 2-0 that establishment be given a four day suspension.

Upon a motion by Commissioner Mullan and seconded by Commissioner Shea the Commission voted to adjourn the meeting at 10:36 a.m.