

**MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
OCTOBER 25, 2012**

ESTHER HOWLAND CHAMBERS

Commission Members Present:

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

Staff Present:

Deborah Steele, Planning & Regulatory Services
Lt. James Johnson, Worcester Police Department
Alexandra Haralambous, Law Department
Jim Foley, Inspectional Services

CALL TO ORDER:

Commissioner Shea called the meeting to order at 10:00 a.m.

Approval of the Minutes:

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the minutes of October 11, 2012.

COMMISSION SITE VIEWS:

Commissioner Mullan, Commissioner Salvidio and Lt. Johnson viewed 444 West Boylston Street and 136 Millbury Street prior to the meeting.

Unfinished Business

1. 255 Park Avenue - Stephen Bonica
Petition: Request for common victualer license at Parkview Café

Stephen Bonica appeared on behalf of the application. He stated this will be a restaurant that will serve breakfast and lunch.

Upon a motion by Commissioner Shea the Commission voted 3-0 to approve the common victualer license for 255 Park Avenue.

Exhibit A: Application for common victualer license received on October 2, 2012 and dated October 2, 2012.

New Business

One Day Liquor Requests

2. 28 Mulberry Street - Our Lady of Mt. Carmel

Petition: Request for one day liquor permit – October 29, 2012 & November 8, 2012

Domenico Mercurio appeared on behalf of the applications. He stated that one event is a casino night and another a dinner and both are fundraisers for the church.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license for 28 Mulberry Street.

Exhibit A: Application for two one day liquor requests received on October 8, 2012 and dated October 8, 2012.

3. 151 Sterling Street – Michelle Thai Nguyen

Petition: Request for one day liquor permit – November 17, 2012

Michelle Nguyen appeared on behalf of the application. She stated this will be a fundraiser for the church and the hours will be 7:00 p.m. to Midnight and two police officers will be hired for security.

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the one day liquor permit for 151 Sterling Street.

Exhibit A: Application for one day liquor permit received on October 3, 2012 and dated October 3, 2012.

Common Victualer – Food Only:

4. 50 Mill Street - Li Li

Petition: Request for common victualer license at Happy Family Chinese Super Buffet, Inc.

Li Li appeared upon behalf of the application. She stated this is existing Chinese Restaurant and just a change of ownership.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approved the common victualer license for Happy Family Chinese Super Buffet, Inc.

Exhibit A: Application for common victualer license received on October 15, 2012 and dated October 15, 2012.

Entertainment Application

5. 638 Chandler Street - High Noon LLC

Request for entertainment to include: tv, recorded music, live music, amplification system

Larry Noon appeared on behalf of application. Mr. Noon stated he had received approval for the liquor license and would like to add entertainment.

Ms. Steele reminded Commission that liquor license has time restrictions and that entertainment will need the same time restrictions.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the entertainment license for High Noon LLC with condition that hours be same as liquor license restrictions.

Alcohol Permit Applications

6. 136 Millbury Street - William Fassett

Petition: Request for general on premises all alcohol license

William Fassett appeared on behalf of the application. Commissioner Mullan stated the Commissioners had viewed the premises prior to the meeting.

Lt. Johnson stated that Mr. Fassett would need to amend his application and then police would sign off on the background portion of application.

Mr. Fassett stated this is a small neighborhood bar

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the general on premises license for 136 Millbury Street.

Exhibit A: Application for liquor license received on September 28, 2012 and dated September 28, 2012.

7. 271 Grafton Street - Mark S. Webber & Scott M. Boyle

Petition: Request for transfer of common victualer all alcohol license from Diamond Café, Inc. to Diamond In the Rough, LLC, change of license type to a general on premises all alcohol and entertainment for jukebox, tv, radio, dancing by patrons, recorded music, karaoke .

Mark Webber and Scott Boyle appeared on behalf of the application. Mr. Webber stated he had been in the industry prior and now would like to take over the establishment at 136 Millbury Street. He stated he will do improvements to building and some cosmetic changes.

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the transfer of license, change of license type and entertainment license for 271 Grafton Street.

Exhibit A: Application for liquor license & entertainment license received on September 27, 2012 and dated September 27, 2012.

8. 7 Tobias Boland Way – Patrick O’Connor

Request for change of manager at GMRI dba Olive Garden

Patrick O’Connor appeared on behalf of application. Mr. O’Connor stated he has worked for Olive Garden for 10 years and has been promoted to manager.

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

Exhibit A: application for change of manager received on October 5, 2012 and dated October 5, 2012.

9. 444 West Boylston Street - Greendale Liquor & Package Store

Petition: Request for alteration of premises

Commissioner Mullan stated the Commissioners had viewed the premises prior to the meeting.

William Talcott appeared on behalf of the petition. He stated he is reconfiguring the store to add redemption area.

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 October 5, 2012 and dated October 4, 2012

10. 64 Water Street – David Domenick

Petition: Request for change of manager at Perfect Game

David Domenick appeared on behalf of the application. He stated he is taking over managing the Perfect Game.

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

Exhibit A: Application for change of manager received on October 11, 2012 and dated October 11, 2012.

11. 90 Commercial Street – Worcester Entertainment Concepts

Status of application

Attorney Sean Murray appeared on behalf of the item. He stated they needed to make changes to the application and that they plan to resubmit to A.B.C.C. in Boston with the changes.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to continue the item until January 2013.

\Violation Hearings

12. 4B Richmond Avenue – Big Bob’s Liquors Inc. dba Off the Vine Wine & Spirits

Violation of Rule #6, M.G.L. c. 138, §34 – Sales to person under 21 – May 23, 2012

Violation of Rule #6, M.G.L. c 138, §34 – Sales to person under 21 – August 12, 2012

Attorney Sean Murray and Robert Vardersian appeared on behalf of the application.

Lt. Johnson presented the following:

On May 23, 2012 from around 7:30 pm until 10:00 pm, Officer Edward Saucier, Officer Bill Stout and a 20 year old male (identifying information held in Alcohol Unit Office) conducted an underage sting at various package stores throughout the city. The 20 year old male was given a breathalyzer test in the cell room prior to going out and when police returned to the station. The minor had no identification on him.

The 20 year old male was instructed to enter the package store and attempt to purchase a six pack of Bud Light beer. He was advised to politely state he had no identification on him if asked for ID. He was instructed not to be confrontational at any time and to walk out calmly and courteously with or without a purchase.

At around 8:40 pm, the 20 year old male entered Big Bob's Liquors, located at 4B Richmond Ave., Worcester, MA. He purchased 2 six packs of 12 ounce Bud Light bottles for \$13.50 without being asked to provide identification. He stated that the clerk even told him that he would get a better deal if he purchased 16 ounce bottles instead. The 20 year old male declined the offer of the better deal and left with the purchase.

At around 10:00 pm, Officer Edward Saucier contacted Big Bob's Liquors, 4B Richmond Avenue, via telephone and advised them of the violation. The person on the phone stated that the manager was not there and that they did not sell any beer to a minor.

Attorney Murray stated they were not contesting what was presented by the Worcester Police.

Attorney Sean Murray stated that his client, Mr. Varderesian, was not contesting that the violations had occurred. He went on to say that the licensed premises has a very good reputation and that the neighborhood has no complaints and that they are implement additional measures to ensure that this does not happen again. Attorney Murray noted that his client did not pay the fee the State offered them in lieu of the 5 day suspension and takes these violations very seriously.

Mr. Varderesian stated that the employee at the time of both violations was his brother and he works approximately 90 hours a week and at the end of the day he is not as attentive. He does not want to fire his brother because in this economy it is very hard to find a new job. In the time since the violations, Mr. Varderesian has taken certain steps to ensure this does not happen again; including, suspending his brother for two weeks, purchasing a new ID scanner which is more sophisticated and accurate than the old one he had and plans to hire additional employees to help staff the store. Furthermore, he stated he is working on having his brother attend a training session so that this does not happen again.

Commissioner Mullan noted the severity of these violations for the neighborhood, specifically the 2 colleges in which the licensed premise is located near. He said that these violations are not helping the neighborhood or the City. He stated that in April 2012, the Alcoholic Beverages Control Commission had been to this

establishment and five underage individuals were sold alcohol at that time. He noted his concern that this has been an on-going problem throughout 2012 and that there needs to be better controls put in place at the store to prevent underage individuals from obtaining alcohol. Furthermore, these violations are causing problems for underage drinking at the near by colleges.

Commissioner Anthony Salvidio appreciated that the neighbors don't have any complaints and that the store fills a need in the area but also stated his concern for the several violations occurring so close together. He suggested that the employee was the problem and something needed to be done.

Commissioner Karon Shea agreed with the comments of commissioners Salvidio and Mullan and expressed her concern for the number of violations within such a short period of time.

Based on the evidence, the Commission on a roll call vote voted 3-0 that two violations of sales to person under 21 occurred on May 23 and August 12, 2012.

Based on the evidence, the Commission on a roll call vote voted 3-0 to impose a two day suspension.

Mr. Varderesian requested that the two day suspension be served on October 29 and 30, 2012.

Adjournment

Upon a motion by Commissioner Mullan the Commission voted 3-0 to adjourn the meeting at 11:30 a.m.

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