

**MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
OCTOBER 11, 2012**

ESTHER HOWLAND CHAMBERS

Commission Members Present:

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

Staff Present:

Deborah Steele, Planning & Regulatory Services
Officer Ed Saucier, Worcester Police Department
Alexandra Haralambous, Law Department
Jim Foley, Inspectional Services

COMMISSION SITE VIEWS:

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 September 20, 2012.

New Business

One Day Liquor Requests

1. 102 Russell Street - St. Spyridon Cathedral
Petition: Request for one day liquor permits on October 20, 2012 & November 24, 2012

Dimitrious Economou appeared on behalf of the applications. He stated the events are church fundraisers and about 200 people are expected.

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

Exhibit A: Application for one day liquor permits received on September 11, 2012 and dated September 11, 2012

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2. 30 Anna Street - St. George Orthodox Cathedral
Petition: Request for one day liquor permits on October 13, 2012 & October 20, 2012.
Judy Shaughnessy appeared on behalf of the applications. Ms. Shaughnessy stated the first event was a dinner dance, cocktail reception and about 350 people are expected and two off duty police have been hired. The second event is a fundraiser and about 100 people are expected.
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Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the two one day liquor permits.

Exhibit A: Application for one day liquor permit received on September 17, 2012 and dated September 4, 2012

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3. 425 Salisbury Street - Notre Dame Academy
Petition: Request for one day liquor permit on October 19, 2012

Cynthia Henderson appeared on behalf of the application. Ms. Henderson stated this event was a fundraiser for scholarships and they will have a small reception without about 100 to 120 people at event.

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

Exhibit A: Application for one day liquor permit received on September 21, 2012 and dated September 14, 2012.

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4. 65 Tainter Street - The Boys & Girls Club
Petition: Request for one day liquor permit on October 13, 2012.

Ellan Tarrow appeared on behalf of the application. Ms. Tarrow stated this is a fundraiser and about 100 people are expected and a certified bartender has been hired for the event.

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

Exhibit A: Application for one day liquor permit received on September 14, 2012 and dated September 12, 2012.

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5. 44 Salisbury Street - Veterans Inc
Petition: Request for one day liquor permit on October 20, 2012

Jennifer Allen appeared on behalf of request. Ms. Allen stated this is the Biennial Military Gala Ball fundraiser to raise money to support homeless Veterans and Veterans in need and they are hoping that 300 people will be in attendance.

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approved the one day permit for October 20, 2012.

Exhibit A: Application for one day liquor permit received on September 24, 2012 and dated September 12, 2012.

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6. 85 Prescott Street - Bill Battelle

Petition: Request for (4) one day liquor permits all on October 26, 2012

Bill Battelle appeared on behalf of application. Mr. Battelle stated he misunderstood the new form and there is only one event that day and it is for a fundraiser for Mass Academy and 75 people are expected.

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the one day permit.

Common Victualer – Food Only:

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7. 8 Franklin Street - Guang R. Yang
Petition: Request for common victualer license at Oishi Sushi

Attorney Peter Lim along with the applicant, Guang R. Yang appeared on behalf of the application. Mr. Lim stated this is for a new sushi restaurant in the downtown area.

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

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8. 35 Chandler Street - Jackeline Abreu
Petition: Request for common victualer license at Fortuna Mini Market

Jackeline Abreau appeared on behalf of application. Ms. Abreau stated this will be for a small mini market and they will be selling sandwiches.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approved the common victualer license for 35 Chandler Street.

Exhibit A: Application for common victualer license received on September 25, 2012 and dated September 25, 2012.

9. 256 Grafton Street - Hussein Osman Maalin

Petition: Request for common victualer license at Gacal Halaal Market

Hussein Osman Maalin appeared on behalf of application. Mr. Maalin stated this will be small grocery and convenience store.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approved the common victualer license for 256 Grafton Street.

Exhibit A: Application for common victualer license received on September 26, 2012 and dated September 26, 2012.

10. 320 Pleasant Street - Porfilio Beltran

Petition: Request for common victualer license at Papo Pizza

Porfilio Beltran appeared on behalf of application. Mr. Beltran stated this will be a pizza restaurant and the hours

will be 10:00 a.m. to 1:00 a.m.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to approve the common victualer license for 320 Pleasant Street.

Exhibit A: Application for common victualer license received on September 25, 2012 and dated September 25, 2012.

11. 153 Stafford Street - Michael Robidoux

Commissioner Salvidio recused himself from this item.

Michael Robidoux appeared on behalf of petition. Mr. Robidoux stated this will be for a small restaurant.

Upon a motion by Commissioner Salvidio the Commission voted 2-0 to approve the common victualer license for 153 Stafford Street.

12. Petition: Request for common victualer license at Antonio's Pizza

255 Park Avenue - Stephen Bonica

Petition: Request for common victualer license at Parkview Café

Ms. Steele informed Commission that applicant requesting item be postponed until October 25, 2012.

Entertainment Application

13. 316 Main Street - Thien An Nguyen

Petition: Request for entertainment license to include: tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, play, theatrical exhibition, any other audio or visual show, whether live or recorded specifically

Thien An Nguyen appeared on behalf of the application. Ms. Nguyen stated they have received approval for a liquor license previously and would like to add some entertainment.

Ms. Steele asked for clarification on the hours of closing as liquor license condition had stipulation that hours would be end at 11:00 p.m. but entertainment application was requesting entertainment until Midnight.

Commissioner Mullan stated that the closing hour would need to be 11:00 p.m. as that was condition for liquor license.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the entertainment license with condition that closing hour be 11:00 p.m.

Exhibit A: Application for entertainment license received on September 21, 2012 and dated September 21, 2012.

Alcohol Permit Application

14. 241 Southbridge Street - Timothy LaFratta

Petition: Request for change of manager

Timothy LaFratta appeared on behalf of application. Mr. LaFratta stated that the old manager was no longer at premises and he would be taking over management duties. Mr. LaFratta stated he had been working at establishment and had previous experience at other liquor establishments.

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 September 25, 2012 and dated September 25, 2012.

15. 536 Lincoln Street - Joseph M. Zuromsky

Petition: Request for transfer of common victualer all alcohol license from

Press Box to Zuromsky Enterprises dba Press Box and change of license type to a general on premises all alcohol and transfer of entertainment license which includes radio, tv, background music

Attorney Joe Madaus along with Joseph Zoromsky appeared on behalf of the applications. Mr. Madaus stated they are taking over an existing establishment

Exhibit A: Application for liquor license and entertainment license received on September 25, 2012 and dated September 25, 2012.

16. 43 Pleasant Street - Daniel Millen

Petition: Request for transfer of common victualer all alcohol license from Tammany Music Hall LLC to Sweet Life Entertainment, Inc. dba Tammany Hall and change of license type to general on premises and transfer of entertainment license which includes live bands, solo acts, piano, guitar, comedy, recorded music, karaoke

Daniel Millen appeared on behalf of the application. Mr. Millen stated that he is taking over an existing business and has worked in entertainment venues but never owned his own establishment.

Commissioner Salvidio cautioned Mr. Millen to be careful when checking identifications.

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

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

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the entertainment application.

Exhibit A: Application for liquor license and entertainment license received on September 25, 2012 and dated September 25, 2012.

17. 19 Wall Street – Pina Conte

Petition: Request for common victualer all alcohol license at

Mare e Monte Trattoria, LLC

Commissioner Salvidio recused himself from this item.

Attorney Sean Murray along with Pina Conte appeared on behalf of the application.

Commissioner Shea stated that herself and Commissioner Mullan had done a site view prior to the meeting.

Mr. Murray stated this will be a traditional Italian Restaurant.

Commissioner Mullan asked what time the closing hour of establishment would be.

Mr. Murray stated the establishment would close at 1:00 a.m.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to approve the common victualer all alcohol license with closing hour of 1:00 a.m.

Exhibit A: Application for liquor license received on September 25, 2012 and dated September 25, 2012.

Request for change of condition on license

18. 27 Pleasant Street - International Lounge

Commissioner Salvidio recused himself from item.

Petition: Request for 18+ on Sunday, Monday, Tuesday and Wednesday

Roland Georges & Andre Mikhael appeared on behalf of request. They stated they are requesting a change to the condition on the license to increase the number of evenings they are allowed to have 18+. They stated the reason for the request is that their establishment is a hookah lounge and they need 51% of their revenue to come from tobacco sales and allowing more 18+ evenings would ensure that they reach the 51% sales required.

Officer Ed Saucier of the Worcester Police Department stated that Worcester Police would not be in favor of increasing the number of 18+ evenings at the establishment, referencing that the location was recently brought before the Alcoholic Beverages Control Commission for a violation for the sale or delivery of alcohol to a person under the age of 21.

Commissioner Paul Mullan noted that on September 12, 2012, the local licensing authority had been notified by the Alcoholic Beverages Control Commission that they had suspended International Lounge's liquor license for two days for the sale or delivery of an alcoholic beverage to a person under twenty-one years of age (2 counts) for a violation that occurred in May 2012 at International Lounge. Commissioner Mullan stated due to the recent violation he would not be amenable to increasing the amount of 18+ evenings as establishment. Mr. Georges & Mr. Mikhal asked the Commission what they could do about bringing this issue back to the License Commission. Commissioner Mullan suggested that meeting with the other club/bar owners in the Pleasant Street area and a plan be worked out between the license holders and Worcester Police to make the area more safe.

Commissioner Karon Shea stated that due to the recent violation she felt there are too many problems at the establishment to warrant increasing 18+ evenings.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to deny the request.

Exhibit A: Email received October 1, 2012 requested amendment to liquor license conditions.

Violation Hearings

19. 41 Pleasant Street – City Instyle dba Club Instyle

Violation of Rule #14, M.G.L. c. 138, §34 – Failure to comply with condition on liquor license

Attorney Brain Forts along with Farid Khalife appeared on behalf of violation.

Officer Ed Saucier of the Worcester Police stated Club Instlye's liquor license clearly states two conditions on the actual license. The first condition states, "18+ age clients are allowed on Thursday, Friday and Saturday nights only if minimum two Police Details are present". On Thursday September 6, 2012 and Friday September 7, 2012, Club Instyle had no police details inside the club. They did fulfill the second condition by having a police detail in the Pearl St parking lot. This has occurred in the past and the owners have been advised, in the past, that they were not to allow anyone under 21 years of age inside the premises if the details were not present. The undersigned spoke with Harry Harjani at around 0130 hours on Saturday September 8 (Friday night into Saturday). Harry stated that there were only about 50 or 60 people in the club at that time and that some were under 21 years old. He also stated that they had under 21's in the club on Thursday night also (Thursday nights are the busiest of the 18+ nights...and the most problematic). He was advised again that he should wait for the required police details to show up before allowing anyone under 21 years old to enter the club. He stated that sometimes they cannot get anyone to work the detail. He was advised again, that they were not to let anyone under 21 years old at all, if that were the case.

Mr. Forts stated that the establishment has had difficulties obtaining off-duty details to work at the establishment and that establishment advertised the 18+ nights and officer is not available but establishment does not want the under 21 to hang out on Pleasant Street so they allow them in.

Officer Saucier stated that on night in question it was Election night and a lot of the off-duty officers were working at polling locations.

Commissioner Mullan stated that it is the establishment's responsibility to make sure there would be an off-duty officer and to call ahead to check with Police Department.

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 Warning.

20. 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

Upon a motion by Commissioner Mullan the Commission voted 3-0 to postpone the item until the October 25, 2012 License Commission meeting.

Other Business

Decisions from prior meetings

Massachusetts Caterer's License – Ms. Steele informed the Commission that they are still awaiting further information from the state relative to this license.

Adjournment

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

DRAFT