

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

January 10, 2013

ESTHER HOWLAND CHAMBERS

Commission Members Present:

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

Staff Present:

Joel Fontane, Director, Planning & Regulatory Services
Deborah Steele, 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 a.m.

Approval of the Minutes – December 27, 2012

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the minutes of December 27, 2012.

Unfinished Business

1. 151 Sterling Street Michelle Thai Nguyen – Our Lady of Vilna Church

Petition: Request for one day liquor permit – February 10, 2013

Michelle Thai Nguyen appeared on behalf of the application. She stated this event is celebration for the Chinese/Vietnamese New Year and the hours will be Noon – 5:00 p.m. Ms. Nguyen stated they expect about 100 people to attend the event and two off-duty police officers will be hired.

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

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

2. 154 Shrewsbury Street Brandy Snifter, Inc.

Petition: Request for transfer of restaurant all alcohol license from San Ventures, LLC

Susan & Joseph Evangelista appeared on behalf of the application. Susan Evangelista will be the manager and passed the background check. This is a license transfer from former tenant of the property.

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

Exhibit A: Application for transfer of liquor license received December 12, 2012 and dated December 12, 2012.

3. 10 Claremont Street Sonny Nguyen

Petition: Request for lodging house license

Ms. Steele informed the Commission that this item had been postponed to the January 24, 2013 License Commission meeting.

Exhibit A: Application for lodging house license received December 10, 2012 and dated December 10, 2012.

New Business

Common Victualer – Food Only:

4. 414 West Boylston Street - Greendale Pizza

Petition: Request for common victualer license

Eliano Quendro appeared on behalf of application. He stated this will be a fast food restaurant that will operate 10:30 a.m. to 10:00 p.m.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common for 414 West Boylston Street.

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

5. 169 Lincoln Street - El Salvador Restaurant

Petition: Request for common victualer license

Jose Sanabria appeared on behalf of the application. He stated this will be a Salvadorian restaurant and hours will be 10:00 a.m. to 10:00 p.m.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license for 169 Lincoln Street.

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

Liquor Requests

6. 72 Pullman Street- Price Chopper Operating Company of Massachusetts, Inc.
Petition: Request to transfer package store all alcohol license from Millzan, Inc.dba Millbury Street Liquors Inc. and transfer of location to 72 Pullman Street.

Mr. O'Brien stated he had reviewed the memo provided by Department of Planning & Regulatory Services. He stated that Price Chopper is sensitive to the concerns of the neighborhood and that they are only designating a small portion of the store for alcohol sales and that they are helping out Millbury Street Liquors by purchasing their license as license holder is no longer able to continue on and by Price Chopper buying him out it will help current owner out financially.

Mr. O'Brien presented a petition with signatures from 200 customers in support of the application.

Commissioner Salvidio asked whether the inventory would be more malt & wine or hard liquor.

Mr. O'Brien stated it will be what the market can bear but the biggest product seller in other Price Chopper stores is wine.

Mr. O'Brien stated there would be no signage outside the store.

Commissioner Mullan asked whether they would be end cap displays and if there were plans to have them would Price Chopper be willing to only have them in the designated liquor sales area.

Mr. O'Brien stated he saw no problem with that.

Commissioner Salvidio asked what the average age of the clerks on the registers would be.

Mr. O'Brien stated over 21.

John Lax from Price Chopper stated the registers at Price Chopper will not allow anyone under the age of 21 to sell and they would need a floor supervisor to come over in order to ring up the sale.

Commissioner Mullan asked if store on Pullman Street would have electronic scanner and if not would the store be willing to install one.

Mr. O'Brien stated he did not think that would be a problem but would have to double check.

Attorney Howard Wayne stated there would be no problem installing the system.

Mr. O'Brien stated the store is also monitored by video.

Commissioner Salvidio stated he had read the memo from Department of Planning & Regulatory Services and didn't see a public need as there were other full package stores right in the area.

Representatives from liquor stores around the area offered their public comments and the general consensus was that there was no public need for another liquor store in the area.

Robert Vardersian, from Big Bob's Liquors, reminded the Commission that in 2008 he had applied to move his full package store to Pullman Street and was denied by the License Commission.

The License Commission received a letter from Sylvan Learning Center and Joey's Limousine Service who are abutters to the property and were in objection to request for a full package store license at location.

Several neighbors from the area spoke in opposition to the application.

Commissioner Mullan noted that the License Commission is sensitive to current license holders but competition is not a factor under the Ballarin¹ case decided by the courts and a license cannot be denied under that basis.

Commissioner Mullan & Salvidio noted that this Price Chopper operates 24 hours a day and asked how alcohol would be cordoned off during hours when sales were not allowed.

Mr. O'Brien stated they would have locked coolers and barrier saying that area was closed.

Commissioner Salvidio stated he was new to the License Commission but is aware of the past decisions for this area and did not feel the density of the area has changed in the past few years and there are enough full package stores to service the public need in the area. Especially considering request was for a full package store and not just malt & wine.

Chair Shea stated that based on the information presented and view of the premises she believes the area is well served by the existing package stores and does not see the need for another full package store in the area.

Upon a roll call the Commission voted 2-1 to deny the application. Commissioner Mullan voting in support.

Exhibit A: Application for transfer of liquor license ownership & location received on November 30, 2012 and dated August 16, 2012.

¹ Ballarin, Inc. v. Licensing Board of Boston, 49 Mass.App.Ct.506

Exhibit B: Petition in support of application received at the January 10, 2013 License Commission meeting.

Exhibit C: Sign in sheets in support and opposition to the application received at the January 10, 2013 License Commission meeting.

Exhibit D: Map.

Exhibit E: Department of Planning & Regulatory memo dated, January 9, 2013.

Exhibit F: Letter of opposition from Sylvan Learning Center dated January 10, 2013.

Exhibit G: Letter of opposition from Joey's Limousine Service dated January 10, 2013.

7. Citizens Advisory Survey

Craig Olsen from Citizen Advisory Council stated that the council was conducting a survey of current board members to get their feedback on what makes a good board member. This information will be used to recruit more members to City of Worcester Boards.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to adjourn the meeting at 11:43 p.m.