

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
September 19, 2013

ESTHER HOWLAND CHAMBERS

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

Commission Members Absent: Anthony Salvidio

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

Call to Order –

Chair Shea called the meeting to order at 10:00 A.M.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to approve the minutes of September 5, 2013 with amended that item #19 states instead of file that it states, refer to item #6.

Unfinished Business

1. Petition: Request for common victualer license

Petitioner: Krishiv Sub Shop Inc, 151 Highland Street

No one appeared for item. Ms. Steele stated this had been continued from last meeting and applicant had spoken with police and they have approved.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to approve the common victualer license for Krishiv Sub Shop, Inc.

Exhibit A: Application for common victualer license received on August 26, 2013 and dated August 26, 2013.

New Business

One Day Liquor Requests:

2. Petition: Request for one day liquor license

- October 17, 2013, 5:00 p.m.- 7:30 p.m.
- October 24, 2013, 5:30 p.m. – 8:30 p.m.

Petitioner: Ecotarium, 222 Harrington Street

Tracy Dill appeared on behalf of the petitions. She stated the October 17, 2013 item was for a business after hours event and October 24, 2013 is a VNA Hospice event.

Commissioner Mullan reminded Ms. Dill that law does not allow for the alcohol to be stored between events and at end of each event she should contact liquor distributor to have them come back and pick up any unused product.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to approve the two one day liquor licenses.

Exhibit A: Application for one day license received on September 9, 2013 and dated September 9, 2013.

3. Petition: Request for one day liquor license

- September 29, 2013, 5:30 p.m. - 7:00 p.m.

Petitioner: Quinsigamond Community College, 670 West Boylston Street

Faith Symmes, Assistant Dean of Quinsigamond Community College appeared on behalf of the application. She stated this is for an event for which they expect about 400 people and campus police will be present. Ms. Symmes stated that the event was for September 30, 2013. Commissioner Mullan noted that application stated September 29, 2013 and asked Ms. Symmes to go to License Commission and amend her paperwork to reflect the correct date of event.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to approve the one day liquor license as amended.

Exhibit A: Application for one day license received August 30, 2013 and dated August 30, 2013.

4. Petition: Request for one day liquor license

- October 19, 2013, 6:00 p.m. - Midnight

Petitioner: Dance to Live Foundation, Inc., 1040 Southbridge Street

Billy Ayala appeared on behalf of application. He stated this event is to raise funds to help pay for scholarships for performing arts for people suffering from depression.

Commissioner Mullan asked where the event was going to take place. Mr. Ayala stated it was at Renaissance Hall on Southbridge Street.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to approve the one day liquor license.

Exhibit A: Application for one day license received on September 5, 2013 and dated September 5, 2013.

5. Petition: Request for one day liquor license
- November 29, 2013, 1:00 p.m. - 5:00 p.m.

Petitioner: Holy Name Central Catholic High School, 140 Granite Street

Michael Desrosiers appeared on behalf of the petition. He stated this is request for a one day license for a tailgating party in the football field. It will be a cookout to raise funds for the alumni foundation and new for lights for the field. He stated attendees will be 21 years or older and a police detail will be present.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to approve the one day license.

6. Petition: Request for one day liquor license
- September 27, 2013, 6:00 p.m.-10:00 p.m.
 - October 5, 2013, 6:00 p.m.-11:30 p.m.,
 - October 6, 2013, 6:00 p.m.-9:00 p.m.
 - October 26, 2013, 6:00 p.m.-11:00 p.m.

Petitioner: The Bartending Service of New England, Inc., 100 Barber Avenue

William Fuller appeared on behalf of the petitions.

He stated September 27, 2013 event is for a chapel mass and the other three events are for weddings.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to approve the four one day licenses.

7. Petition: Request for one day liquor license

- November 30, 2013, 7:00 p.m. – 9:00 p.m.

Petitioner: Our Lady of Vilna Church, 151 Sterling Street

Michelle Thai Nguyen appeared on behalf of the petition. She stated they expect about 100-200 people at the event and two off-duty police officers will be present.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to approve the one day license.

Exhibit A; Application for one day license received on August 28, 2013 and dated August 28, 2013.

8. Petition: Request for one day liquor license –
- October 5, 2013, 4:00 p.m. – 7:00 p.m.

Petitioner: College of the Holy Cross, 1 College Street

Kristen Dyer appeared on behalf of the petition. Ms. Dyer stated this event is for homecoming reception for alumni and friends and 150 people are expected.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to approve the one day license.

Exhibit A: Application for one day license received on August 16, 2013 and dated August 16, 2013.

9. Petition: Request for one day liquor license
- October 11, 2013, 6:00 p.m. – 10:00 p.m.

Petitioner: Central MA Convention & Visitors Bureau, 30 Elm Street

Donna McCabe appeared on behalf of the petition. She stated this is for Civil War Reenactment Ball which will be held at the Historical Museum.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to approve the one day license.

Exhibit A: Application for one day license received on September 11, 2013 and dated September 11, 2013

10. Petition: Request for one day liquor license
- October 15, 2013, 5:00 p.m.-11:00 p.m.
 - October 16, 2013, 5:00 p.m.-11:00 p.m.
 - October 25, 2013, 5:00 p.m.-11:00 p.m.

- October 26, 2013, 2:00 p.m.-11:00 p.m.

Petitioner: Alejandro Lopez, 120 Main Street

Alex Lopez appeared on behalf of the petitions. He stated these events coincide with events at DCU Centre and stated he would only run the events until 9:00 p.m.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to approve the four one day permits as amended to end by 9:00 p.m.

Exhibits: Application for one day licenses received on September 11, 2013 and dated September 11, 2013.

11. Petition: Request for one day liquor license

- September 27, 2013

Petitioner: Donald Oleski, 596 Cambridge Street

Donald Oleski appeared on behalf of item. He stated this is for a team fundraiser.

Commissioner Mullan asked if this was just for family members and Mr. Oleski stated that was correct.

Exhibit A: Application for one day license received on September 17, 2013 and dated September 17, 2013.

Common Victualer – Food Only:

12. Petition: Request for common victualer license – Zheng Quan Zheng

Petitioner: Golden House, 700 Southbridge Street

The applicant did not appear when item called but Ms. Steele stated he had passed the background check.

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

The applicant, Zheng Quan Zheng, appeared at end of meeting and the Commissioners explained that they had approved the item.

Exhibit A: Application for common victualer license received on September 10, 2013 and dated September 10, 2013.

Alcohol & Entertainment Permit Applications:

13. Petitions: Request for restaurant all alcohol license – Joseph Flagg
Request for entertainment license for: TV, recorded music, live music, karaoke

Petitioner: Joseph M. Flagg, 711-715 West Boylston Street

Items #13, #14 were taken contemporaneously. Ms. Steele stated Mr. Flagg had requested a postponement until the next meeting.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to postpone the two items until October 10, 2013.

14. Petitions: Request for transfer of location of restaurant all alcohol license & change of dba.

Petitioner: Cantina Bar & Grill, present location 385 Main Street.
New location, 1 Kelley Square. New dba-Tryst

Grace Carvajal along with Attorney Peter Duffy appeared on behalf of of the petition.

Commissioner Mullan stated the Commission members had viewed the site prior to meeting.

Attorney Duffy stated this was request to transfer location from 385 Main Street to 1 Kelley Square.

Chair Shea asked if anyone would like to speak on the item.

John Giangregorio stated he was opposed and presented a letter to the Commission from the Canal District in opposition to the transfer. Mr. Giangregorio stated that the current license holder has had numerous violations and moving the location to Kelley Square could be a public health issue and did not feel another license needed as area is well served.

Commissioner Mullan asked if it was the position of Canal District the that no other license occupy this location or just this license. Mr. Giangregorio stated the area needed more restaurants.

Guy Glodis sated he was an abutter to the property and is opposed as the transfer of this license to this location would cause a public nuisance. He stated that the traffic in area was already at issue and adding a nightclub with no parking would negatively impact the parking for the other businesses in the area.

Mr. Glodis stated he had public safety concerns if this license is transferred and does not feel a club is a good fit for the location and transferring to location would be a big mistake.

Commissioner Mullan noted that the business plan submitted by applicant does not describe her establishment as a nightclub.

Mr. Glodis stated that really might not be true and cited that Salty Dog that was previously at location had problems.

Commissioner Mullan pointed out that applicant has no association with Salty Dog.

Councilor Michael Germain stated he would be in opposition to this license going in at that location but not opposed to anything occupying the space. He stated that when he first became a councilor he received numerous calls about problems at the Cantina Bar and they did get suspension by the License Commission. He stated that in last three to four years he had not received any calls about the Cantina but risk factor is huge if they move to a new location. The Salty Dog was at that location and that didn't work out and he stated that the Commission needs to look at the record.

John Keenan, owner of Varsity Bar, an abutter to property stated he is in opposition as parking is limited but would not oppose a restaurant going in at that location. He stated that Cantina has a terrible record and is worried if they move to location that they won't be able to cooperate and asked License Commission to look at number of police calls they have had.

Commissioner Mullan stated he was troubled by the language being used that if this is approved that the license holders' could not cooperate. He stated that there are two issues that keep arising, the first is parking and he noted that Varsity has no parking while if Cantina moves to the new location they will have their own parking lot for 40 cars. The second was the previous track record of Cantina. Commissioner Mullan stated in the past three years Cantina has had no issues and no violations. In 2010 the license holder in a four month time span had 4 after hours violations and received various suspensions with the last one resulting in a 30 day suspension with 22 suspended and 8 days served and Cantina learned a lesson from that and hasn't had a violation since.

Kevin Ksen stated he is in favor of the application and thanked Commissioner Mullan for clarifying fact from fiction. Mr. Ksen stated he had been listening to what has been being said about the license holder and he has had the opposite experience and the license holder has gone out of her way to help the community and has held several community events at which city councilors were in attendance.

She has held a fundraiser for Representative Keefe and Mr. Ksen encouraged the Commission to support the transfer and stated he was worried that veiled racism is being used against license holder in her attempt to move the license location.

Commissioner Mullan stated that would not be an issue as they are only looking at the facts. Mr. Ksen stated he just wanted to make sure that conversations were not going in that direction.

Attorney Duffy thanked the Commission for clarifying the issues and stated that the applicant will have parking for 40 cars and location is in a designated entertainment district in Kelley Square which does have traffic but the effect of this business would be minimal to traffic already existing. He stated that there were some problems in the past but Ms. Carvajal has learned from the experience and she has made significant improvements and has spoken with Lt. Johnson about getting a detail officer to make sure that establishment is a safe and secure establishment that will be an asset to the City.

Chair Shea asked whether location would be a full service restaurant.

Ms. Carvajal stated that they only plan to have sandwiches and wings at present time.

Ms. Steele informed Commission that based on that statement the application would need to be re-advertised as what is being described is a general on premises license and not a restaurant liquor license.

Commissioner Mullan stated that the item would need to be re-advertised and petition would need to be re-heard.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to continue the item in order that it could be re-advertised.

Exhibit A: Application for transfer of liquor license location received September 3, 2013 and dated August 3, 2013.

Exhibit B: Letter from Canal District Business Association, 152 Millbury Street; dated September 19, 2013 and received at the September 19, 2013 License Commission meeting.

15. Petitions: Request for transfer of ownership of restaurant all alcohol license – Jay Melick
Request for entertainment license for: TV, Radio, live music, recorded music, karaoke

Petitioner: Blake Enterprises, LTD dba Bennie's Café, 13 East Mountain Street

Matthew Ormond along with Jay Melick appeared on behalf of the item. Mr. Melick stated the application is for transfer of a restaurant liquor license, pledge of license and an entertainment license.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to approve the transfer of the liquor license, pledge of license and entertainment license.

Exhibit A: Application for transfer of liquor license received on September 3, 2013 and dated September 3, 2013.

Exhibit B: Application for entertainment license received on September 3, 2013 and dated September 3, 2013.

Other Business:

Rescinding of approvals:

16. Revolution Entertainment, 315 Grove Street- Approved 5/9/2013 for alteration of premises for outside patio. Denied by A.B.C.C. due to taxes. No certificate of good standing provided to local Commission in order to resubmit application.

Ms. Steele stated that Revolution Entertainment had been contacted but as of today's date have not submitted the certificate of good standing.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to rescind the approval for alteration of premises.

17. Kozara Corporation, 301 Park Avenue - Approved 7/11/2013 for change of manager. Denied by A.B.C.C. due to taxes. No certificate of good standing provided to local Commission in order to resubmit application.

Ms. Steele stated that Attorney Stempler had contacted the office and stated the certificate of good standing would be provided to the office by the end of the day.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to file the item.

Communications

18. Electronic Email from Michael Bernier re: resignation, Johnny Fugata, received September 9, 2013.

Lt. Johnson stated he would speak with John Piccolo the owner of the business about filing for change of manager.

Commissioner Mullan asked that a letter be sent to business owner to appear at next meeting with either change of manager application or a plan on how he plans to address the problem of no manager.

19. Supplementing the existing minutes of the January 24, 2013 meeting & February 7, 2013 meetings with the transcription of the tape of the hearing.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to approve supplementing the January 24, 2013 and February 7, 2013 minutes.

Adjournment

Upon a motion by Commissioner Mullan the Commission voted 2-0 to adjourn the meeting at 11:15 p.m.