

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

JUNE 5, 2014

LEVI LINCOLN CHAMBERS

Commission Members Present: Karon Shea, Chairperson
Paul Mullan, Commissioner -
Anthony Salvidio, Commissioner

Commission Members Absent: None

Staff Present: Stephen Rolle, Planning & Regulatory Services
Deborah Steele, Planning & Regulatory Services
Alexandra Haralambous, Law Department
Amanda Wilson, Inspectional Services
James Foley, Inspectional Services

Approval of the Minutes – May 21, 2014 - Held

Old Business

1. Petition: Request for restaurant malt & wine license

Petitioner: New House of India, Inc. 2 Coes Square (re-vote needed as applicant did not notify abutters as required for the first hearing)

Ms. Steele explained that applicant did not notify abutters when the item was first heard but the applicant has done that and has provided the receipt cards.

Upon a motion by Commissioner Salvidio and seconded by Commissioner Mullan the Commission voted 3-0 to approve the restaurant malt and wine license.

Exhibit A: Application for restaurant malt & wine license received on April 17, 2014 and dated April 17, 2014.

2. 765 Main Street- Violation hearing

Attorney Jonathan Finkelstein along with Richard Magdis, property owner, and Wen Ching, representing new management company for the property, appeared on behalf of the item.

Amanda Wilson, Director of Housing stated that she, several city employees, Commissioner Mullan, Commissioner Salvidio and the property owners had done a walk-through of the building on May 27, 2014 and significant improvements had been done to the building but some additional works still needs to be completed.

Ms. Wilson stated that inspectors have still been unable to confirm the number of rooms and spoke with Mr. Magdis, one of the property owners, regarding discrepancy with the lodging house roster and number of rooms in building. Even though the building is code compliant, Inspectional Services is concerned about the number of occupants and whether it is safe to have that many people in the building.

Ms. Wilson stated that the prior lodging house renewal applications states that 68 is the number of occupants but Inspectional Services records are showing upwards to 88 and that it appears the occupancy certificate had changed over the years.

Commissioner Mullan pointed out that License Commission's purview is over the lodging house license not the occupancy certificate.

Attorney Finkelstein stated that the number of people is determined by the building code and that the property owner will be happy to provide a roster at any time of the number of residents in the building.

Commissioners Salvidio & Mullan asked what the lodging house renewal application submitted for this year states for number of occupants. Mr. Rolle stated the renewal application states 68. The Commission members advised Attorney Finkelstein he would need to amend the application to reflect the correct number currently on the premises.

Commission Salvidio asked if the occupancy number or code compliance was under License Commission purview. Attorney Haralambous stated that portion is regulated by Inspectional Services.

Commissioner Mullan stated that if property is over required number determined by Inspectional Services that could be grounds for a violation and Inspectional Services could bring that before License Commission.

Attorney Finkelstein introduced Wen Ching who stated his company will now manage the property and every visitor now has to leave an ID at front desk and ID will be returned when visitor leaves. If it is after 8:00 p.m. the manager will check the ID box and anyone still on the premises will be found and informed they have to leave.

Commissioner Mullan asked if the box where the ID's will be kept has security cameras. Mr. Ching stated that it did.

John Nordberg from Inspectional Services stated that he and Officer Girardi had gone to the property on June 4, 2014 and three rooms had double occupancy and that they had asked the manager to provide an updated list of residents but it has not been provided.

Councilor Sarai Rivera stated she appreciates the Commission going to view the property but this property is a big concern as the YMCA and a school are located right across from the property and she would request that until management has a better control of the property that occupancy be reduced by 10% and then if things improve the occupancy could be increased.

Commissioner Salvidio stated that the License Commission does not have authority to change occupancy.

Councilor Rivera stated that the neighborhood wants to work with the property owner but the building needs to be managed properly and people should not be allowed to loiter.

Commissioner Mullan stated that he had spent the past four days viewing the neighborhood where the property is located and understands the concerns of the neighbors but for the past four years that he has been on the Commission, the License Commission has not received one violation report and the current property owner has spent up to \$300,000 in improving a difficult building.

Councilor Rivera asked whether the property owner would be willing to install a key management system similar to what the Worcester Housing Authority has. Commissioner Salvidio pointed out that this is a private owner and he may not have funding to do that.

Officer Gerardi from Worcester Police Department stated that they would like to see a new management plan for the property.

The Commission members stated they would like Attorney Finkelstein to update the management agreement to reflect the new conditions added and to amend the lodging house renewal application. Mr. Finkelstein stated that he would provide it.

Upon a roll call the Commission voted 3-0 to renew the lodging house license for year 2014.

Commissioner Mullan stated that with regard to the violation that Commission members had not received an actual report outlining violations and asked for legal guidance on how to proceed. Attorney Haralambous stated that violations were just overview of the number of complaints Inspectional Services had received.

Upon a motion the Commission voted 3-0 that violations had not occurred.

Exhibit A: Lodging House renewal application dated April 1, 2014

New Business

One Day Liquor & Entertainment Requests:

3. Petition: Request for one day liquor license on

- June 20, 2014 – 7:00 p.m. – Midnight
- June 21, 2014 – Noon-Midnight
- June 22, 2014 – Noon-9:30 p.m.

Petitioner: 7th Paulie's New Orleans Jazz n Blues Festival, 152 Green Street

Paul Colleyer appeared on behalf of the application. He stated that this is for the annual Jazz n Blues Festival but this year the event will be held on Green Street instead of Chandler Street.

Mr. Colleyer stated that he has met with police and will have the required details.

Commissioner Mullan asked if the area where the alcohol is to be sold would be fenced in area. Mr. Colleyer stated that a metal barricade would be put around the area.

Upon a motion by Commissioner Mullan and seconded by Commissioner Salvidio the Commission voted 3-0 to approve the three one day liquor license.

Exhibit A: Application for one day liquor license received May 19, 2014 and dated February 28, 2014.

4. Petition: Request for one day liquor license on

- June 19, 2014 – 6:30 p.m-10:30 p.m.

- July 17, 2014 – 6:30 p.m.-10:30 p.m.
- August 21, 2014 – 6:30 p.m.- 10:30 p.m.

Petitioner: Worcester Films Works, City Hall Plaza, 455 Main Street

Jim McKeag along with John Lawrence from Pepper’s Fine Catering appeared on behalf of the petitions. Mr. McKeag stated that this will be for the outdoor films on the Worcester Common every third Thursday and rain dates will be June 26, 2014, July 24, 2014 and August 28, 2014.

Commissioner Mullan asked where the alcohol would be located. Mr. Lawrence stated that the plaza area would be fenced off on the left and right side and a police detail will be at the entrance to the alcohol area to check ID’s as well as certified trained staff. Patrons are not allowed to leave area with alcohol and they will start to shut down the alcohol service 30 minutes before the movie ends.

Commissioner Mullan asked what time set up begins. Mr. Lawrence stated that it would begin at 5:30 p.m.

Commissioner Mullan stated that the license should reflect 5:30 p.m. and that if there is a rain dates on any of the events then the applicant should notify staff.

Upon a motion by Commissioner Salvidio and seconded by Chair Shea the Commission voted to approve the three one day liquor licenses with amendment that start time is 5:30 p.m.

Exhibit A: Application for one day liquor license received on May 23, 2014 and dated May 22, 2014.

5. Petition: Request for one day liquor license on

- June 17, 2014 – 5:00 p.m. – 11:00 p.m.

Petitioner: Chris McMahon, 185 Shrewsbury Street

Chris McMahon appeared on behalf of the petition. He stated that this is for the Taste of Shrewsbury Street and every person will be carded and no one will be allowed to leave the premises with alcohol.

Commissioner Mullan asked if there will be any alcohol service in parking lot. Mr. McMahon stated that there will not.

Commissioner Salvidio asked if there will be any alcohol service on outside patio area. Mr. McMahon that there will not and that he has a contained area inside.

Upon a motion by Commissioner Mullan and seconded by Commissioner Salvidio the Commission voted 3-0 to approve the one day liquor license.

Exhibit A: Application for one day liquor license received on June 2, 2014 and dated June 2, 2014.

6. Petition: Request for one day liquor license on

- June 13, 2014 – 5:00 p.m. – 1:00 a.m.

Petitioner: Michael Barrasso, Commercial, Exchange & MLK Blvd.

Michael Barrasso appeared on behalf of the petition. Mr. Barrasso stated that this will be for the convention and 300-400 people are expected. Event will be invitation only and in an enclosed area with four police details.

Upon a motion by Commissioner Salvidio and seconded by Commissioner Mullan the Commission voted 3-0 to approve the one day liquor license.

Exhibit A: Application for one day liquor license received on June 6, 2014 and dated June 6, 2014.

Common Victualer – Food Only:

7. Petition: Request for common victualer license

Petitioner: Yoway Frozen Yogurt, 395 Park Avenue

Ryan Tran appeared on behalf of the petition. He stated that this will be for a yogurt place.

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

Exhibit A: Application for common victualer license received on May 20, 2014 and dated May 20, 2014.

8. Petition: Request for common victualer license

Petitioner: Kalamos & Greek Mediterranean Market, 118A June Street

Dimitroula Niforos appeared on behalf of the application. She stated that this will be for a new market.

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

Exhibit A: Application for common victualer license received on May 19, 2014 and dated May 19, 2014.

Alcohol & Entertainment Permit Applications:

9. Petition: Request for new stockholder/transfer of stock

Petitioner: Worcester Discount Liquors, Inc, 254 Mill Street

Gerald Leonard appeared on behalf of the petition. He stated that this a transfer to his son.

Upon a motion by Chair Shea and seconded by Commissioner Salvidio the Commission voted 3-0 to approve the new stockholder/transfer of stock.

Exhibit A: Application for new stockholder/transfer of stock received on May 8, 2014 and dated May 2, 2014.

10. Petition: Request for change of manager

Petitioner: Ritual, 281 Main Street, Melissa O'Connor

Commissioner Salvidio recused himself from this item.

Attorney Amanda Risch and Melissa O'Connor appeared on behalf of the item. Ms. Risch stated that they still do not have a certificate of good standing from the Department of Revenue and will not have it for 5-6 months.

Ms. Steele explained that most likely the ABCC will disapprove the application then and just send the application back due to taxes owed.

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

Exhibit A: Application for change of manager received on May 7, 2014 and dated May 7, 2014.

Other Business

A.B.C.C. communication - Jian Hui Group, dba Foodworks - Notice of Suspension - No comment.

Fee schedule - No comment

Adjournment

Upon a motion the Commission voted 3-0 to adjourn the meeting at 11:15 a.m.