

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

MARCH 31, 2016

ESTHER HOWLAND CHAMBER

Commission Members Present: Karon Shea, Chairperson
Anthony Salvidio, Commissioner
Walter Shea, Commissioner

Commission Members Absent: None

Staff Present: Stephen Rolle, Planning & Regulatory Services
Deborah Steele, Planning & Regulatory Services
Michael Antonellis, Planning & Regulatory Services
Alexandra Kalkounis, Law Department
James Foley, Inspectional Services
Lt. James Johnson, Worcester Police Department
Sergeant Stephen Roche, Worcester Police Department
Officer Mark Jolin, Worcester Police Department
Lt. Brian McGurl, Fire Prevention Division
Lt. Jeffrey Dubeau, Fire Prevention Division

Approval of the Minutes – March 17, 2016

Upon a motion the Commission approved the minutes of March 17, 2016.

Old Business

NEW BUSINESS

One Day Liquor & Entertainment Requests:

1. Petition: Request for one day liquor license
 - April 7, 2016 -5:30 p.m.-7:30 p.m.

Petitioner: Struck Catering, 138 Green Street

Derek Grillo appeared on behalf of the petition. He stated that this is an event for the Chamber of Commerce and 150 people are expected.

Upon a motion the Commission voted 3-0 to approve the one day license.

Exhibit A: Application for one day license received March 15, 2016 and dated March 15, 2016.

2. Petition: Request for one day liquor license
- April 15, 2016 – 6:00 p.m.-8:00 p.m.

Petitioner: Worcester Historical Museum, 30 Elm Street

No one appeared for item.

Upon a motion the Commission voted 3-0 to approve the one day license.

Exhibit A: Application for one day license received March 18, 2016 and dated March 18, 2016.

3. Petition: Request for one day liquor license
- April 4, 2016 – 5:00 p.m.-8:00 p.m.

Petitioner: Chartwells at WPI, 50 Prescott Street

- 3a. Petition: Request for one day liquor license
- March 31, 2016-6:00 p.m.-9:00 p.m.

Petitioner: Chartwells at WPI, 100 Institute Road-Alden Hall

- 3b. Petition: Request for one day liquor license
- April 11, 2016-6:30 p.m.-10:00 p.m.
 - April 14, 2016-6:30 p.m.-9:00 p.m.

Petitioner: Chartwells at WPI, 10 Lincoln Square

- 3c. Petition: Request for one day liquor license
- April 1, 2016 – 6:00 p.m-9:00 p.m.

Petitioner: Chartwells at WPI, 100 Institute Road-Alden Hall

Items 3 thru 4 were taken contemporaneously.

Kristi DiCisero appeared on behalf of the items.

Upon a motion the Commission voted 3-0 to approve the one day licenses.

Exhibit A: Applications for one day license received March 4, 2016 and dated March 4, 2016.

4. Petition: Request for one day liquor license
- June 18, 2016 – 9:00 p.m.-1:00 a.m.

Petitioner: College of the Holy Cross, 1 College Street-Kimball Hall

Jeremy O'Connor from Holy Cross appeared on behalf of the petition. He stated that this is for the annual Baccalaureate ball.

Upon a motion the Commission voted 3-0 to approve the one day license.

Exhibit A: Application for one day license received March 4, 2016 and dated March 4, 2016.

5. Petition: Request for one day liquor license
- April 23, 2016 – 5:30 p.m.-7:00 p.m.

Petitioner: Quinsigamond Community College, 670 West Boylston Street

Faith Symes from Quinsigamond Community College appeared on behalf of the item. She stated that their honor society is having a fundraiser and a VIP reception as part of the fundraiser.

Upon a motion the Commission voted 3-0 to approve the one day license.

Exhibit A: Application for one day license received March 14, 2016 and dated March 14, 2016.

Common Victualer Requests:

6. Petition: Request for common victualer license

Petitioner: Bahn Thai Restaurant, 2 Coes Square

Surhap Leelaudomworakal appeared on behalf of the item.

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

Exhibit A: Application for common victualer license received March 10, 2016 and dated March 10, 2016.

Alcohol & Entertainment Requests:

7. Petition: Request for pool table license

Petitioner: Vape Lounge, 358 Shrewsbury Street-**Leave to Withdraw**

Exhibit A: Application for pool table license filed November 15, 2015 and dated November 15, 2015.

8. Petition: Request for change of manager

Petitioner: Elite Club Enterprises, Inc. 241 Southbridge Street

Miril Muska appeared on behalf of the item.

Upon a motion the Commission voted 3-0 to approve the change of manager. Later on in the meeting after the applicant had left Lt. Johnson asked that item be reheard at next meeting as was not sure on the background check on item.

Exhibit A: Application for change of manager received March 15, 2016 and dated March 15, 2016.

9. Petition: Request for transfer of package store malt & wine license & pledge of license

Petitioner: Nirvan, LLC Burncoat Market, 369 Burncoat Street

Commissioner Shea recused himself from item.

Attorney Arakelian stated that this was same item from previous meeting but the abutters had not been notified so item needed to be reheard.

Upon a motion the Commission voted 2-0 to approve the transfer of license and pledge of license with same conditions as imposed at previous meeting.

Exhibit A: Application for transfer of license/pledge of license received February 5, 2016 and dated February 5, 2016.

10. Petition: Request for transfer of general on premises all alcohol license and request for outdoor sidewalk café

Petitioner: CJ, LLC, 274 Shrewsbury Street

Attorney Sean Murray along with the applicants appeared on behalf of the item.

Mr. Murraray stated that the applicants will run a clean operation and adhere to the rules.

The Commission requested that the applicant review the light food to be served.

Mr. Murray stated that there is small kitchen in the back and a sandwich press will be used and refrigator for cold food.

Upon a motion the Commission voted 3-0 to approve the transfer of the license and voted 3-0 to postpone the sidewalk café portion to the April 14, 2016 meeting.

Exhibit A: Application to transfer license and sidewalk café received March 23, 2016 and dated March 23, 2016.

- 10a.** Petition: Request for entertainment license for jukebox, tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, light show, Karaoke Monday-Wednesday-4:00 p.m.-2:00 a.m. Thursday-Sunday 11:30 a.m.-2:00 a.m.

Petitioner: CJ, LLC, 274 Shrewsbury Street

Attorney Sean Murray along with the applicants appeared on behalf of the item. Mr. Murray stated that they will not be requesting dancing by entertainers, light show or karaoke.

Chair Shea asked if the windows would be open.

Mr. Murray stated that at 10:00 p.m if there is live band they would close them.

Commissioner Salvidio stated they would need to be closed for live entertainment of any fashion.

Mr. Rolle stated that they received correspondence regarding the item.

Chair Shea stated that they had reviewed the correspondence.

Upon a motion the Commission voted 3-0 to approve the amended entertainment with condition that if there is live entertainment the windows must close by 10:00 p.m.

Exhibit A: Application for entertainment license received March 23, 2016 and dated March 23, 2016.

Exhibit B: Letter from Maria Gemei and Albert Belmonte dated March 19, 2016 and received March 29, 2016.

Exhibit C: Letter from Albert Belmonte dated March 19, 2105 and received March 29, 2016.

Exhibit D: Email communication from Gary Vecchio received March 29, 2016.

- 11.** Petition: Request for entertainment license for live music once a week-Thursday, 6:30 p.m.-9:30 p.m.

Petitioner: Basil n' Spice Thai Cuisine, 299 Shrewsbury Street

Bator Lachmann appeared on behalf of the item. He stated that he like to have a jazz trio come in once a week and hope in future to open various types of music but it would all be mellow type of music.

Upon a motion the Commission voted 3-0 to approve the entertainment license.

Exhibit A: Application for entertainment license received March 11, 2016 and dated March 11, 2016.

Lodging House License Request

12. Petition: Request for lodging house license

Petitioner: DE Realty, LLC, 184 Highland Street

David Batbouta from DE Realty appeared on behalf of the item. He stated that they have done upgrades to the building and have put outdoor lights in and have capability to have a camera system on the building and currently there are WPI graduate students living there and that is the plan of who to rent to in the future and they avoided making a three family as then they have no control over the building then and there are other WPI rooming houses in the area.

Chair Shea asked if the rooms would be rented out during the summer when students aren't there. Mr. Batbouta stated no.

Paul Moynihan from WPI stated that they would be renting to WPI students.

Attorney Finkelstein representing abutter Larry Quinn stated that the Special Permit from the Zoning Board of Appeals is under appeal and this is a single family neighborhood and Mr. Quinn has already had problems with the other lodging houses in the area and no one going to leave rooms un-rented during the summer months and this is not a sorority or a fraternity it just a lodging house and this is single family area so he would ask that the matter be held until it resolved in Superior Court and it premature to issue a license with the Special Permit under appeal.

Commissioner Salvidio stated that he saw no reason at this point to hold the item.

Larry Quinn abutter to the property stated the owner is not renting to people just for the school year as it not the case today.

Mr. Batbouta stated that they rent to the students on an annual basis and they are not there in the summer and can bring the students in if the Commission would like.

Commissioner Salvidio stated that is item is not germane and the applicant can rent the rooms or not and he understands Mr. Quinn concerns but they cannot limit to students as that would violate Fair Housing Law but the Commission would not take kindly if the housing was not kept up.

Chair Shea stated that his office is right down the street and they have done good job renovating it.

Commissioner Salvidio asked if the rooms were rented month to month. Mr. Batbouta stated no.

Commissioner Salvidio asked if manager would be on premises. Mr. Batbouta stated yes.

Mr. Quinn stated that he would like to be made aware of the name of the manager and their location in the house.

Commissioner Salvidio stated that would be a matter of public record.

Upon a motion the Commission voted 3-0 to approve the lodging house with the conditions set by the Zoning Board of Appeals.

Exhibit A: Application for lodging house received March 2, 2016 and dated March 2, 2016.

Status Hearing

13. GHB Restaurant Inc., dba Freshway Pizza, 96A Water Street

Yehya Lazem, Renee Russo and Sam Sali appeared on behalf of the item.

The Worcester Police Department presented the following: From March 1, 2015 to March 26, 2016, there were 33 fight calls to the Worcester Police Department for 96A Water Street.

Sgt. Roche from the Worcester Police Department stated that the crowds from Freshway Pizza hang out/congregate on the sidewalk and in front of the establishment, often spilling out in the streets and presented a video of a large crowd that typically is outside the premises on a Friday night.

The Commission found that the violations mentioned in the police report occurred and that the owner is operating his business in an improper manner by creating a public safety situation. The business is not being conducted consistently with public health and safety. Moreover, the business is being conducted in a manner so as to allow illegal acts to occur on and in Freshway Pizza.

The Commission discussed whether it would be advisable to cut back on the hours at the establishment.

Lt. Johnson suggested that a 1:00 a.m. closing time would be better as would allow more time for the police officers to clear the area once the bars closed.

Upon a motion, the Commission voted 3-0, finding that the owner is conducting the business in an improper manner, inconsistent with the public health and safety, and in a manner so as to allow illegal acts to occur at the Licensed Premises.

Upon a motion, the Commission voted 3-0 to impose a temporary condition on the license for six (6) months, restricting the hours of operation and imposing a closing time at 1:00 a.m. on Thursday, Friday and Saturday, including no delivery past 1:00 a.m.

Violation Hearings

None

Other Business

Communications

ABCC Communication-Powered Alcohol-No comment.

ABCC Communication-Notice of Dual Conditions-Hangover Pub-No comment.

ABCC Decision-PJD Entertainment of Worcester Inc. dba Centerfold's, Warning issued -No comment.

ADJOURNMENT

Meeting adjourned at 11:15 p.m.