

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

October 27, 2011

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ESTHER HOWLAND CHAMBER – CITY HALL

**Commission Members Present:** Peter Lukes, Chair  
Paul Mullan, Commissioner  
Karon Shea, Commissioner

**Staff Present:** Deborah Steele, Division of Planning & Regulatory Services  
Edgar Luna, Division of Planning & Regulatory Services  
Jennifer Beaton, Law Department  
Lt. James Johnson, Worcester Police Department

**REGULAR MEETING (10:00 AM)**

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**CALL TO ORDER:**

Chairman Lukes called the meeting to order at 10:00 a.m.

**MINUTES:**

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the minutes of October 13, 2011.

**UNFINISHED BUSINESS:**

**1. 55 Pearl Street – FZ Management LLC dba Sushi Rock, Joshua Head & Frank Zirpolo**

Petition: Request for common victualer all alcoholic license  
Application withdrawn by applicant

Exhibit A: Application for Liquor License submitted by FZ Management LLC, dated September 26, 2011 and received on September 27, 2011.

Exhibit B: Request for Leave to Withdraw, dated October 20, 2011 and received on October 24, 2011.

**2. 27 Pleasant Street – International Lounge – Andre Mihael & Roland Georges**

Petition: Request to amend condition of liquor license to allow under 21 in establishment between 10:00 a.m. & 10:00 p.m.

Andre Mikhael appeared on behalf of application. Mr. Mikhael stated he wanted to open establishment for 18+ during the week for food, non-alcoholic drinks and internet usage.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve allowing establishment to be open to 18+ seven days a week between the hours of 10:00 a.m. and 8:00 p.m. After 8:00 p.m. establishment is 21 years of age or older only.

Exhibit A: Letter from Andre Mikhael requesting change in condition of license dated October 11, 2011.

**3. 1 Exchange Place – 1 Exchange Place Inc.**

Petition: Rescinding Commission vote on change of manager to Christian Roy.

Application filed as new change of manager application submitted for location.

Exhibit A: Application for change of manager. Application dated May 12, 2011 and received on May 3, 2011.

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**4. 11 Sycamore Street – Manuel Marca**

Petition: One day liquor license – December 11, 2011 – 6:00 p.m. – 2:00 a.m.

Mr. Marca appeared on behalf of application. Mr. Marca stated event was Christmas party for kids and would be held at Centro Las Americas. He stated there would be about 50 kids and 40-50 adults and that there is no charge for events.

Commissioner Shea asked who would be checking the identifications to make sure only over 21 is served.

Commissioner Mullan stated that after reviewing the contract from Centro Las Americas it does not specify that alcohol is being present at event.

Chairman Lukes questioned the hours of the event and Mr. Marca stated that hours will be Noon – 7:00 p.m.

Lt. Johnson asked about the security at the event.

As Mr. Marca could not answer the questions presented to him by the Commission it was suggested he meet with Lt. Johnson prior to the next scheduled License Commission meeting to clearly outline the event.

Item continued until November 3, 2011.

Exhibit A: Application for One Day Liquor Permit dated October 17, 2011 and received on October 17, 2011.

**NEW BUSINESS:**

**5. 28 Mulberry Street – Our Lady of Mt. Carmel**

Petition: One Day Liquor Permit – November 3, 2011 – 6:00 p.m. – 10:00 p.m.

Nino Giamei appeared on behalf of application. Mr. Giamei stated it is an annual church dinner. 400 people expected. The church has TIPS certified people serving the liquor and have an off duty police officer for the event.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the one day liquor permit for Our Lady of Mt. Carmel.

Exhibit A: Application for One Day Liquor permit dated October 19, 2011 and received on October 18, 2011.

**6. 65 Water Street – Dzian Gallery**

Petition: One day liquor permit – November 17, 2011 – 7:00 p.m. – 10:00 p.m.

David Papazian appeared on behalf of application. He stated event is fundraiser for the Worcester Animal Rescue League.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the one day liquor permit for Dzian Gallery.

Exhibit A: Application for One Day Liquor permit dated October 19, 2011 and received on October 19, 2011.

**7. 345 Grafton Street – TKP LLC dba Renaissance Wine & Spirits**

Petition for wine tastings – October 14, 29, November 4, 12, 27, 22, December 3, 9, 17, 21, 2011

William Kirsti appeared on behalf of application. He requested to amend November dates to November 11 and 17.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve wine-tastings at Renaissance Wine & Spirits for October 14, 29, November 4, 11, 17, 22, December 3, 9, 17, 21, 2011.

Exhibit A: Application for wine permit dated October 3, 2011 and received on October 11, 2011.

**8. 255 Park Avenue – Joseph Francis Panarelli, Jr.**

Petition: Request for common victualer license

Joseph Panarelli appeared on behalf of application. He stated location will be a breakfast & lunch establishment with operating hours of 7:00 a.m. to 7:00 p.m.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve a common victualer license for 255 Park Avenue.

Exhibit A: Application for a common victualer license dated October 11, 2011 and received on October 11, 2011.

**9. 261 Main Street – Oasis Theater, Inc. dba Palladium**

Petition: Request for change of manager to Christopher Besaw.

Attorney John Fisher and Christopher Besaw appeared on behalf of application.

Mr. Besaw will be the new manager at 261 Main Street.

Lt. Johnson stated that Mr. Besaw passed the background check.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve change of manager to Christopher Besaw.

Exhibit A: Application for change of manager dated October 6, 2011 and received on October 11, 2011.

**10. 1 Exchange Place – 1 Exchange Place Inc**

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Petition: Request for change of manager to Mark Esperti

Mark Esperti appeared on behalf of application. Mr. Esperti stated he has been working at establishment for three years and has worked in restaurant business for six years.

Lt. Johnson stated Mr. Esperti passed the background check.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the change of manager at 1 Exchange Place.

Exhibit A: Application for change of manager. Application dated October 11, 2011 and received on October 12, 2011.

**PUBLIC HEARINGS**

**11. 1140 Grafton Street – Ishwar Kurpa Inc. dba YD Liquors**

Violation of Rule #6, #21, MGL c. 138. §34

Ishwar Kurpa, manager of YD Liquors was present to respond to violation.

Lt. Johnson presented the following report:

The undersigned Alcohol Enforcement Officer requests that the License Commission notify YD Liquors (1140 Grafton St.) to appear before the License Commission to answer police complaints of violating rule # 6 and rule # 21 of the Rules and Regulations of the License Commission for Alcoholic Beverages NOT CONSUMED on the Premises on August 8, 2011.

Rule # 6: "Sales TO persons under 21 are punishable by fine or imprisonment or both. (Chapter 138 Section 34)."

Rule # 21: "Managers of all licensed liquor establishments shall be responsible for all violations or infractions of the law occurring on the premises whether present or not. The licensee is responsible for any disorder, disturbance or illegality of any kind taking place on license premises whether present or not."

On August 8, 2011 the undersigned Alcohol Enforcement Unit Officer, along with P.O. Patrick Harrington, conducted an underage drinking sting in which a 19 year old male (identifying information kept in the Alcohol Unit) attempted to purchase alcohol at various package stores throughout the City of Worcester from around 1100 hrs to 1530 hrs. The underage male was given a breathalyzer test prior to the start and at the end of the mission. He was instructed, prior to entering each establishment that he was to attempt to purchase a six pack of Bud Light and to not offer any identification. He was instructed that if he were asked to provide identification to politely state that he didn't have any and to walk out of the POB. The underage male, in fact, had no identification on him. He was also instructed, in the event that he was able to purchase the beer, to walk calmly and casually out of the POB with the purchase where he would be met by the Officer(s), preferably out of view of the POB. The underage male was given these instructions prior to entering each establishment.

The underage male entered YD Liquors (1140 Grafton St.) on the above date at around 1425 hrs. and did purchase a six pack of Bud Light for \$6.25 without being asked to provide identification. The underage male turned the beer over to P.O. Harrington and it was stored in Evidence at the Alcohol Unit.

The undersigned notified the only employee seen on the premises that they had sold to an underage male and that the POB would be brought before the License Commission to answer complaints.

Mr. Patel admitted to the facts as presented.

The Commission members reviewed the case file for YD Liquors and the establishment had similar violation in 2010.

The Commission voted 3-0 on a roll call that establishment would receive a three day suspended suspension.

## **12. 107 Ward Street – R.S.L. Enterprises dba Harraghy's Package Store**

Violation of Rules #6, #21, MGL c. 138 §34

Robert Largess appeared to answer to the violations

Lt. James Johnson presented the following report:

The undersigned Alcohol Enforcement Officer requests that the License Commission notify Harraghy's Package Store (107 Ward St.) to appear before the License Commission to answer police complaints of violating rule # 6 and rule # 21 of the Rules and Regulations of the License Commission for Alcoholic Beverages NOT CONSUMED on the Premises on August 8, 2011.

Rule # 6: "Sales TO persons under 21 are punishable by fine or imprisonment or both. (Chapter 138 Section 34)."

Rule # 21: "Managers of all licensed liquor establishments shall be responsible for all violations or infractions of the law occurring on the premises whether present or not. The licensee is responsible for any disorder, disturbance or illegality of any kind taking place on license premises whether present or not."

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The underage male entered Harraghy's Package Store (107 Ward St.) on the above date at around 1500 hrs. and did purchase a six pack of Bud Light for \$6.80 without being asked to provide identification. The underage male turned the beer over to P.O. Harrington and it was stored in Evidence at the Alcohol Unit.

The undersigned notified the only employee seen on the premises that they had sold to an underage male and that the POB would be brought before the License Commission to answer complaints.

Mr. Largess admitted to the facts as presented.

The Commission members reviewed the case file and found no previous violations at location.

The Commission voted 3-0 on a roll call that violation had occurred. The Commission voted 3-0 on a roll call that establishment should be given a warning.

Exhibit A: Police report dated August 16, 2011

**13. 278 Millbury Street – Millizan Inc. dba Millbury Street Liquors**

Violation of Rules #6, #21, MGL C 138, § 34

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The owner of establishment had requested continuance due to medical appointment.

Commission continued item until the November 3, 2011 License Commission meeting.

Exhibit A: Police report dated August 16, 2011.

**14. 18 Grafton Street – SSBY LLC**

Violation of MGL c. 138, § 77

Ms. Steele explained that license had been seized by DOR in August and establishment had closed and never re-opened.

Lt. Johnson stated he had driven by location and place is empty.

The Commission voted 3-0 to rescind the liquor license for 18 Grafton Street – SSBY LLC for cessation of business.

**Other Business:**

**15. 90 Harding Street – Carrington Hall LLC**

Attorney Jonathan Finkelstein requested a continuance on item until the November 3, 2011 License Commission meeting.

Item continued until November 3, 2011.

Exhibit A: Email from Attorney Jonathan Finkelstein requesting continuance.

**16. 912 Main Street – Roastmeisters LLC**

David Fullerton & Michael Dawley, Head of Physical Plant for Clark University appeared on behalf of item. Mr. Fullerton stated they are working on design and hope to be up and running by Spring 2012. Item continued to Spring 2012.

**17. 210 Summer Street – KAK Corporation**

Status of License

Katherine Krock requested continuance on item.  
Item continued until December 2011 License Commission meeting.

Exhibit A: Letter dated – October 18, 2011 from Katherine E. Krock requesting continuance.

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**18. 187 Washington Street – S & D Corporation**

Ms. Steele explained that License Commission had approved a liquor license at location and location had never opened.  
The Commission requested that a hearing be scheduled for cessation of business.

**19. 358 Shrewsbury Street – Corapi Inc**

Anthony Corapi appeared on behalf of application. He stated that he has been waiting for electricity to be turned for past several months in order to complete the project but National Grid has been keeping him waiting. Mr. Corapi stated he hopes to open by Christmas 2011. The Commission stated they would review the matter in 2012 if establishment was not operating by then.

**MEETING ADJOURNMENT:**

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission adjourned the meeting at 10:41 a.m.