

**MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
December 8, 2011**

ESTHER HOWLAND CHAMBER – CITY HALL

Commission Members Present: Peter Lukes, Chair
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
Officer Edward Saucier, Worcester Police Department
James Foley, Health Department

REGULAR MEETING (10:00 AM)

CALL TO ORDER:

Chairman Lukes called the meeting to order 10:04 a.m.

MINUTES:

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Board voted 2-0 to approve the minutes of November 23, 2011. Ms. Steele informed members that minutes for November 10, 2011 would be ready for the next meeting.

1. 65 Water Street – Dzian Gallery – David Papazian

Petition: One Day Liquor Permit – December 8, 12, 14, 15, 2011

6:00 p.m. – 10:00 p.m.

David Papazian appeared on behalf of applications. He stated that December 8, 2011 had been canceled and that the other dates were for holiday parties in which 50-75 people would attend.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 2-0 to approve one day liquor permits for December 12, 14, 15, 2011.

Exhibit 1: Application for one day liquor permit dated November 11, 2011 and received on November 15, 2011.

2. 100 Institute Road – Chartwells – Bill Battelle

Petition: One Day Liquor Permit – December 20, 2011

10:30 p.m. – 2:00 p.m.

Bill Battelle appeared on behalf of application. He stated event will be held at Mass College of Pharmacy and is for a holiday brunch and hours should be amended to 10:30 a.m. to 2:00 p.m.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 2-0 to approve one day liquor permit for December 20, 2011.

Exhibit 1: Application for one day liquor permit dated November 4, 2011 and received on November 4, 2011.

3. 819 Main Street – Himalaya Wok Inc – Sunam Tamang

Petition: Request for Common Victualer License

Sunam Tamang appeared on behalf of petition. He stated it was for food only.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 2-0 to approve the common victualer license for Himalaya Wok, Inc.

Exhibit 1: Application for common victualer license dated November 8, 2011 and received on November 8, 2011.

4. 43 West Boylston Street – The Pizza Oven LLC

Petition: Request for Common Victualer License

Alessandro Alves appeared on behalf of application. He stated he is taking over location and will continue to run as restaurant.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 2-0 to approve the common victualer license for The Pizza Oven LLC.

Exhibit 1: Application for common victualer license dated November 21, 2011 and received on November 21, 2011.

5. 229 Canterbury Street – Mista Pizza

Petition: Request for Common Victualer License

Andrew Biancardi appeared on behalf of application. He stated he will be running a restaurant with pizza, pasta, subs.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 2-0 to approve the common victualer license for Mista Pizza.

Exhibit 1: Application for common victualer license dated November 9, 2011 and received on November , 2011.

6. 395 Chandler Street – Café Espresso Trattoria Inc

Petition: Request for Common Victualer License

Applicant had called to say he had to take his mother to the hospital. The Commission reviewed the application and upon a motion by Chairman Lukes and seconded by Commissioner Shea voted 2-0 approve the common victualer license for Café Espresso Trattoria, Inc, without the applicant being present.

Exhibit 1: Application for common victualer license dated November 25, 2011 and received on November 25, 2011.

7. 19-23 Kelley Square – Uncle Sam’s Pizza

Michael Thibodew appeared on behalf of application. He stated he will be running a pizza restaurant.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 2-0 to approve the common victualer license for Uncle Sam’s Pizza.

Petition: Request for Common Victualer License

Exhibit 1: Application for common victualer license dated November 25, 2011 and received on November 25, 2011.

8. 70 James Street – Country Danceworks – William B Williams

Petiton: Request for general on premises all alcoholic license & entertainment license to include:

Jukebox, live music, dancing by patrons, karaoke

Trudy & William Williams appeared on behalf of the application. Mr. Williams stated they had run establishment for several years until a new owner had taken over the premises. The new owner has since vacated the premises and Mr. Williams now wishes to obtain the license and re-open and managed the premises again.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 2-0 to approve the general on premises all alcoholic license & entertainment license.

9. 139 Green Street – Square One Sports Bar & Grille, Inc-Danielle Spring

Petition: Request for change of manager and transfer of stock

Item continued until January 5, 2012 License Commission meeting

10. 503 Plantation Street – Colwen Management- Celeste Craven

Petition: Request for change of manager

Celeste Craven appeared on behalf of the petition. Ms. Craven stated she has been working at the establishment since May of 2011.

Lt. Johnson stated Worcester Police would recommend her to be manager of the licensed premises.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 2-0 to approve change of manager at Colwen Management.

11. 72 Grove Street – Colwen Management – Patrick Smith

Petition: Request for change of manager

Brian Patrick Smith appeared on behalf of the application.

Lt. Johnson stated Worcester Police would recommend Mr. Smith to be manager of the licensed premises.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 2-0 to approve change of manager at Colwen management.

12. 41 Pleasant Street – Club Instyle

Petition: Request for 18+ on Saturday's

Farhad Khaledi & Hitesh Harjani appeared on behalf of the application.

Mr. Khaledi stated that Club is looking to expand 18+ to include Saturday.

Mr. Lukes stated he would not be willing to expand until another six months have gone by.

Upon a roll call the Commission voted 2-0 to deny the request.

13. 241 Southbridge Street – AA Brothers Inc dba Emperor’s Club

Petition: Transfer of common victualer all alcoholic license & entertainment license from Premier Club Enterprises

Item continued until the December 22, 2011 License Commission meeting.

14. One Einhorn Road – Yarock Memorial Housing Inc

Petition: Request for lodging house license

Item continued until the December 22, 2011 License Commission meeting.

15. 210 Summer Street – Katherine Krock

Status of license

Katherine Krock appeared on behalf of KAK Corporation. She stated that she is currently still looking to find a location to operate the license.

Mr. Lukes stated that license has not been operational and would expire at end of 2011 and that Ms. Krock is free to apply for a new license at a new location when she is able to secure one.

Hearings:

16. 321 West Boylston Street – Beijing Palace

Min Hau. Ms. Hau stated establishment had closed and Ms. Lu’s son will be applying for a new license in new location in year 2012.

Rescinding common victualer all alcoholic license for cessation of business

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 2-0 to revoke the common victualer all alcoholic license

17. 97 Millbury Street – Café Neo

Violations of Rules #13, #14, MGL c. 138 §69

Katherine & Peter Tsigas appeared to answer the violation. They waived right to have legal counsel.

Lt. James Johnson of the Worcester Police Department presented the following:

On October 1, 2011, Officer Nate LeFleche was in a marked police vehicle when he was flagged down by the bouncer at Café Neo, 97 Millbury Street. Officer Edward Saucier was in area and responded to assist Officer LeFleche.

The bouncer explained to the two officers that a female came into the Café Neo thirty minutes prior, became intoxicated, started to expose herself and became assaultive when she was asked to leave.

Officers asked the bouncer how much the female had to drink in the bar and he informed the Officers that she was already drunk before he let her in and that after a few drinks at Café Neo she started exposing herself by lifting up her shirt.

The Officers observed the intoxicated female. She appeared unsteady on her feet and slurred her words when she speaking with the Officers. She told the Officers she was drinking inside Café Neo before she was thrown out. The Officers called a taxicab for the female to take her home.

The Officers spoke again with the bouncer and explained that it was against regulations to serve intoxicated person. The bouncer began to recant his statements to the police stating he did not did not say the female was intoxicated before she entered the premises and that she did not drink on the licensed premises.

Mr. Tsigas stated that the female in question was in his establishment but he did not serve her any alcohol and that she has Parkinson's disease. Mr. Tsigas stated he wanted the bouncer from

his establishment to be present to answer License Commission questions.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 2-0 to continue item until the December 22, 2011 License Commission meeting.

Exhibit 1: Worcester Police report dated October 1, 2011 and received on October 14, 2011.

18. 50 Front Street – Three Wheeler LLC dba Overtime Tap

Violations of Rules #7, #14, MGL c. 138 §69

David Ledoux appeared to answer the violation and waived right to legal counsel.

Lt. James Johnson presented the following:

On September 29, 2011, during the evening hours Officer Stout of the Worcester Police and three Alcoholic Beverage Control Commission Investigators – Jamie Binienda, Jack Carey and Brad Doyle went to Overtime Tap located at 50 Front Street in response to complaints that minors were being served at establishment.

The officers and investigators were in plain clothes with badges displayed when they observed a 20 year old male carrying a bottle of Budweiser and a bottle of Bud Light. Two females were also observed drinking Bud Light bottles or draft beer from plastic cups. The investigators determined that all three individuals were underage and placed them under arrest for minor in possession of alcohol.

Staff at Overtime Tap were questioned as to why minors were being served and were told that the bar was 18 and older and establishment issues wrist bands to those 21 and older and those under 21 receive a mark on the top of their hands identifying them as under 21. The male who was placed under arrest had neither a wrist band nor a mark on his hand and stated that he wasn't asked for any identification. Of the two females, one had a mark on her hand, but other female did not have either a mark or a wristband.

The manager informed the investigators that they had just started running 18 and over nights the previous week, but they would no longer run it.

Mr. Ledoux stated that on the evening in question the staff had become overwhelmed and that the incident had occurred. Mr.

Ledoux stated they have taken measure to prevent this type of violation from occurring again.

Upon a roll call the Commission voted 2-0 that violation had occurred.

Upon a roll call the Commission voted that a five day suspension with one day served be imposed on the establishment.

Ms. Steele asked if the one day served would be on any particular day.

Chairman Lukes asked what was establishment's slowest day.

Mr. Ledoux stated Monday.

The Commission agreed that the one day served would be on a Monday.

Exhibit 1: Worcester Police report dated September 30, 2011 and received on October 14, 2011.

19. 139 Green Street – Square One Sports Bar

Violations of Rules #13, #14, MGL c. 138 §69

Item continued until the January 5, 2012 License Commission meeting

MEETING ADJOURNMENT:

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission adjourned the meeting at 10:50 a.m.