

**MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
March 8, 2012**

WORCESTER PUBLIC LIBRARY

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

Staff Present:

Deborah Steele, Planning & Regulatory Services
Attorney Jennifer Beaton, Law Department
Attorney Alexandra Haralambous, Law Department
Lt. James Johnson, Worcester Police Department
Jim Foley, Inspectional Services

REGULAR MEETING (10:00 AM)

CALL TO ORDER:

Chairman Lukes call the meeting to order at 10:01 a.m.

MINUTES:

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the meeting minutes of February 16, 2012.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the Executive Session Minutes of February 2, 2012.

Unfinished Business:

1. 363 Chandler Street – Star Dollar & More LLC

Petition: Request for package store malt & wine license
Exhibit 1: Application for package store malt & wine license, received on January 6, 2012 and dated December 30, 2011.

Rahul Garg appeared on behalf of the petition. Mr. Garg stated his store is a convenience store and they would like the opportunity to sell beer & wine at the location.

Commissioner Shea asked whether location was actual Dollar Store. Mr. Garg stated that no. Location is a convenience store selling a variety of products.

Chairman Lukes reviewed a map of off premises liquor license in the area of 363 Chandler Street. There are:

Three (3) off premises licenses within ½ mile of proposed location.
Ten (10) off premises licenses within 1 mile of proposed location.
Eighteen (18) off premises licenses within 1.5 miles of proposed location.

Francis Madigan, owner of F.W. Madigan, an abutter to 363 Chandler Street, spoke in opposition to the proposed application. Mr. Madigan stated he has no problem with current operation as a convenience store but he feels the area is already adequately served by current package stores in the area.

Chairman Lukes stated that there is a heavy saturation of package stores in area of 363 Chandler Street and does not see the public need for a new license.

Upon a roll call the Commission voted 2-0 to deny the application for a package store malt & wine license Star Dollar, LLC. Commissioner Mullan voted in favor of the application.

Exhibit 1: Application for liquor license, dated December 30, 2011 and received on January 6, 2012.

2. 65 Water Street – CV Hospitality, Inc. dba Gumbo

Petition: Request for common victualer all alcohol license & entertainment license

Attorney Brian Forts, Nicola Vipiano appeared on behalf of application.

Attorney stated this will be a restaurant in location that previously had restaurant liquor license and applicants own and operate restaurant with alcohol in Holden currently.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the common victualer all alcohol license & entertainment license

Exhibit 1 : Application for common victualer all alcohol license & entertainment licensed received on February 3, 2012 and dated January 31, 2012.

New Business:

3. 100 Institute Road – Bill Battelle

Petition: Request for special malt & wine license on May 16, 2012 from 4:30 p.m. to 7:30 p.m. – liquor to be purchased from Horizon, Masciarelli, Atlas, MS Walker Distributors

4. 100 Institute Road – Bill Battelle

Petition: Request for special malt & wine license on May 31, 2012 from 4:00 p.m. – 9:30 p.m. – liquor to be purchased from Horizon, Masciarelli, Atlas, MS Walker Distributors

5. 100 Institute Road – Bill Battelle

Petition: Request for special malt & wine license on March 29, 2012 from 5:30 p.m. – 8:30 p.m. – liquor to be purchased from Horizon, Masciarelli, Atlas, MS Walker Distributors

Items #3, #4, #5 were taken contemporaneously. William Battelle appeared on behalf of the applications. He stated the May 16, 2012 event they were expecting about 100 guests, May 31, 2012 about 200 people expected and March 29, 2012 will be smaller event for about 50 people.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approved the three one day liquor permits.

Exhibit 1: Application for one day liquor permit received by fax on February 23, 2012 and dated February 23, 2012.

Exhibit 2: Application for one day liquor permit received by fax on February 23, 2012 and dated February 23, 2012.

Exhibit 3: Application for one day liquor permit received by fax on February 23, 2012 and dated February 23, 2012.

6. 258 Park Avenue – George Sakhat

Petition: Request for special malt & wine license on March 11, 2012 from 11:00 a.m. to 5:00 p.m. – liquor to be purchased from Atlas, Consolidated Beverages

George Sakhat appeared on behalf of the application and stated the event is for St. Patrick's Day Parade and area where the alcohol will be served will be fenced off.

Chairman Lukes asked how many people were expected to attend and who owns property where event will take place.

Mr. Sakhat he was expecting about 75 people at event and that he owned the property.

Commissioner Mullan asked about establishment next door, the Loft, and how it will be separate from this event.

Mr. Sakhat stated there is a fence in between the properties.

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

Exhibit 1: Application for one day liquor permit received by fax on February 15, 2012 and dated February 15, 2012.

7. 371 Park Avenue – Niko Agora

Petition: Request for special malt & wine license on March 11, 2012 from 10:00 a.m. to 4:00 p.m. – liquor to be purchased from Atlas, Consolidated Beverages.

Niko Agora appeared on behalf of application. He stated event is for St. Patrick Day Parade and he would like to amend the hours to Noon to 5:00 p.m. Mr. Agora stated event will be outside and area will be fenced off.

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

Exhibit 1: Application for one day liquor permit received on February 14, 2012 and dated February 3, 2012.

8. 306 Chandler Street – Zoll Brothers Private Cellars LLC dba Zoll Cellars

Petition: Request for Sale of Wine at Farmer's Market

Frank Zoll from Zoll Cellars and Andy O’Keefe representing the Farmer’s Market appeared on behalf of the application. Mr. O’Keefe stated that Zoll Cellars was a new vendor this year for the Farmer’s Market.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the permit for sale of wine at Farmer’s Market.

Exhibit 1: Application for sale of wine at Farmer’s Market, received via email on February 28, 2012 and dated February 28, 2012.

9. 875A Main Street – Quang Bich Hua

Petition: Request for common victualer license for Bida Hoang, LLC & two pool tables

Quang Hua and Attorney Glen Mattheson appeared on behalf of application.

Chairman Lukes asked what would be the hours of business.

Attorney Mattheson stated that operation would be open from 10:00 a.m. – Midnight.

Chairman Lukes asked if establishment planned to apply for a liquor license in the future.

Attorney Mattheson stated there is no plan for alcohol and this establishment is a sandwich shop.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approved the common victualer license & pool table license for Bida Hoang, LLC

Exhibit 1: Application for common victualer license & two pool tables licenses received on February 27, 2012 and dated February 29, 2012.

10. 64 Green Street – Hiep Ho

Petition: Request for common victualer license for Binh An Market

Exhibit 1: Application for common victualer license received on February 23, 2012 and dated February 23, 2012.

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

11. 3B Rice Square – Monika Durmillari

Petition: Request for common victualer license for Café Sorrento & Palma's Bakery

Monika Durmillari appeared on behalf of application. She stated no change in operation of business and that she is just taking over the ownership.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approved the common victualer license for Café Sorrento & Palma's Bakery

Exhibit 1: Application for common victualer license received on March 1, 2012 and dated March 1, 2012.

12. Perkins Farm Market Place & Greendale Mall

Petition: Request for entertainment license for carnival
Greendale Mall – April 4-8, 2012
Perkins Farm Market Place – April 11-15, 2012

John Flynn from Fiesta Shows appeared on behalf of applications. Lt. Johnson expressed concerns about the Greendale Mall location. Lt. Johnson stated that past two years at this event there has been increased gang activity. Mr. Flynn stated his company did not run the event the last two years and that was separate company and he would be more than willing to work with Lt. Johnson on police details to prevent any problems occurring at the event.

Attorney Jen Beaton of the Law Department requested that application and insurance both reflect the name of Dean & Flynn.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the two carnival permits.

Exhibit 1: Application for entertainment for two carnivals received on February 9, 2012 and dated February 7, 2012.

13. Lincoln Plaza – Ruby Tuesday

Petition: Request for change of director

Ms. Steele informed Commission that the Alcoholic Beverages Control Commission had already approved the change of director state wide and just required local vote to complete process.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approved the change of director.

Exhibit 1: Application for change of director, received on February 10, 2012 and dated September 6, 2011.

14. 13-15 King Street – South Middlesex Non-Profit Housing Corporation

Petition: Request to transfer lodging house license to South Middlesex Non-Profit Housing Corporation

Mary Kent, Attorney James Maloney, Kathy Garrahan, Bowditch & Dewey appeared on behalf of application.

Attorney Maloney stated that this is a nine room existing lodging house that SMOC is looking to take over operation of. Everything is up to code/fire inspections.

Ms. Steele informed Commission that she had not received back approval from Police Department on background checks.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to continue item until the March 22, 2012 License Commission meeting.

Exhibit 1: Application for lodging house received on February 23, 2012 and dated February 29, 2012.

Other Business:

A.B.C.C. Communications – Allstar Liquor Decision
Piccadilly Pub Restaurant hearing
Irish Times Decision

Writ of Attachment – Martignetti Grocery Co, Inc. vs Carrington Hall, LLC.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted to 3-0 adjourn the meeting at 10:45 a.m.