

**MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
October 13, 2011**

ESTHER HOWLAND CHAMBER – CITY HALL

Commission Members Present: Peter Lukes, Chair
Paul Mullan, Commissioner

Staff Present: Deborah Steele, Division of Planning & Regulatory Services
Jennifer Beaton, Law Department
James Foley, Health Department

REGULAR MEETING (10:00 AM)

CALL TO ORDER:

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

MINUTES:

Upon a motion by Chairman and seconded by Commissioner the Commission voted to approve the minutes of September 29, 2011.

UNFINISHED BUSINESS:

1. 404 West Boylston Street – Ken Nicholas

Ken Nicholas appeared on behalf of the application. He stated the event is for a fundraiser and the event will take place in the parking lot of 404 West Boylston Street. Commissioner Mullan asked whether there be a tent in the lot and Mr. Nicholas stated there would be and it would be weighted down with rocks.

On a motion by Chairman Lukes and seconded by Commissioner Mullan the Commission voted 2-0 to approve the one day liquor permit for October 15, 2011.

Exhibit A: City of Worcester Application for One Day Alcohol Permit submitted by Ken Nicholas, dated September 16, 2011 and received September 16, 2011.

2. 25 Sagamore Road – Katherine Krock & Elaine Evans

Ms. Evans appeared on behalf of the application. She stated event is fundraiser for the Worcester Center for Crafts and will be 21 and older crowd and they are expecting about 140 people to attend.

On a motion by Chairman Lukes and seconded by Commissioner Mullan the Commission voted 2-0 to approve the one day liquor permit for October 14, 2011.

Exhibit A: City of Worcester Application for One Day Alcohol Permit submitted by Katherine Krock, dated September 20, 2011 and received September 22, 2011.

NEW BUSINESS:

3. 30 Anna Street – Judy Shaughnessy

Ms. Shaughnessy appeared on behalf of application for St. George Orthodox Cathedral. She stated that she would like to amend the October 14, 2011 date to October 15, 2011.

The October 13, 2011 event is for a church fundraiser. The October 15, 2011 event is a women's fashion show and the October 16, 2011 event is a luncheon.

On a motion by Chairman Lukes and seconded by Commissioner Mullan the Commission voted 2-0 to approve the one day liquor permit for October 13, 15, 16, 2011.

Exhibit A: City of Worcester Application for One Day Alcohol Permit submitted by Judy Shaughnessy, dated September 27, 2011 and received September 28, 2011.

4. 50 Southwest Cutoff – CEC Entertainment dba Chuck E Cheese's

No one appeared on behalf of the application but Commission felt that as establishment had been before Commission several times on similar requests that they could vote without applicant being present.

On a motion by Commissioner Mullan and seconded by Chairman Lukes the Commission voted 2-0 to approve the request for change of officers and directors.

Exhibit A: City of Worcester Application for Change of Officers & Directors, dated September 22, 2011 and received September 26, 2011.

5. 69 Green Street – Chao Lee Family Corporation dba Mai Tai

Michael Chao appeared on behalf of application. He stated he had been open for a few months operating the restaurant liquor establishment and would like to now add entertainment of tv, dancing by patrons and dj.

Chairman Lukes asked if Mr. Chao intended to clear the tables and chairs later in the evening and have dance floor since he had requested dancing by patrons.

Mr. Chao stated that was not his intention and he stated he would remove that from request.

Commissioner Mullan asked what the hours for operation would be.

Mr. Chao stated he was planning on 4:00 p.m. to 2:00 a.m. but during football season he sometimes opens at 1:00 p.m.

Chairman Lukes stated that hours should reflect when establishment will be open.

Upon a motion by Chairman Lukes and seconded by Commissioner Mullan the Commission voted 2-0 to approve entertainment license with following conditions:

- Monday thru Sunday – 1:00 p.m. – 2:00 a.m. – entertainment: TV, DJ, recorded music.

Exhibit A: City of Worcester Application for entertainment license dated September 30, 2011 and received September 30, 2011.

6. 55 Pearl Street – FZ Management LLC – Joshua Head & Frank Zirpolo

The request for a common victualer all alcoholic license was continued until the October 27, 2011 License Commission meeting as not all necessary paperwork and background material had been completed.

7. 27 Pleasant Street – International Lounge – Andrew Mikhael & Roland Georges

The request to amend condition on liquor license was continued until the October 27, 2011 License Commission meeting as police could not be in attendance at meeting to provide their recommendations.

8. 1 Exchange Place – 1 Exchange Place Inc

Lois Maira appeared on behalf of application. Ms. Maira stated she has been working with Department of Revenue to obtain a certificate of good standing so that the Alcoholic Beverages Control Commission will finalize the change of manager for 1 Exchange Place. Ms. Maira stated she hoped to have certificate within the week.

Chairman Lukes and Commissioner Mullan agreed to allow a two week continuance in order for Ms. Maira to obtain the certificate of good standing.

9. 346 Shrewsbury Street – TD & Company Inc.

Ms. Steele provided brief background that in May of 2011 the License Commission had voted to approve transfer of liquor license from DG Morrissey to TD & Company, Inc. The application was sent to Alcoholic Beverage Control Commission (ABCC) for final approval and was returned to the City of Worcester as ABCC requested more information from applicant and it was not provided. Staff contacted DG Morrissey several times about sending the supplemental material and received no response.

On a motion by Chairman Lukes and seconded by Commissioner Mullan the Commission voted 2-0 the rescind approval of the request to transfer the common victualer all alcoholic license from DG Morrissey to TD & Company, Inc.

Exhibit A: City of Worcester Application for liquor license dated April 11, 2011 and received April 22, 2011.

Public Hearings

- 10. 1140 Grafton Street – Ishwar Kurpa Inc. dba YD Liquors**
Violation of Rules #6, #21, MGL c. 138 §34
Worcester Police were not available to testify to violation and Commission continued item until October 27, 2011.

- 11. 107 Ward Street – R.S.L. Enterprises dba Harraghy’s Package Store**
Violation of Rules #6, #21, MGL c. 138 §34
Worcester Police were not available to testify to violation and Commission continued item until October 27, 2011.

Other Business

Upon a motion by Commissioner Mullan and seconded by Chairman Lukes the Commission voted 2-0 the following License Commission meeting dates for 2012:

January 5, 2012
January 19, 2012
February 2, 2012
February 16, 2012
March 8, 2012
March 22, 2012
April 5, 2012
April 19, 2012
May 3, 2012
May 17, 2012
May 31, 2012
June 14, 2012
June 28, 2012
July 19, 2012
August 16, 2012
September 6, 2012
September 20, 2012
October 11, 2012
October 25, 2012
November 8, 2012
November 29, 2012
December 13, 2012
December 27, 2012

SSBY LLC

Ms. Steele informed the Commission that Department of Revenue had release the liquor license back to the City of Worcester but establishment has not been operating.

Attorney Beaton recommended that Commission schedule establishment for cessation of business hearing for next License Commission meeting.

Upon a motion by Chairman Lukes and seconded by Commissioner Mullan the Commission voted to adjourn at 10:15 a.m.

MEETING ADJOURNMENT:

Upon a motion by Chairman and seconded by Commissioner the Commission adjourned the meeting at 10:16 a.m.