



Deborah A. Clayman
City Clerk

City of Chelsea
LICENSING COMMISSION
City Hall, 500 Broadway
Chelsea, MA 02150

Telephone: 617-466-4050
Fax: 617-466-4059
dclayman@chelseama.gov

NOTICE

There will be a meeting of the Chelsea Licensing Commission on Tuesday, May 19, 2015, at 6:00 p.m., at the Chelsea Public Library Auditorium, 569 Broadway, Chelsea, MA.

AGENDA

- 1) New Business (any new business and other items not reasonably anticipated at the time of meeting posting)
- 2) Acunha Restaurant Corporation
d/b/a Plaza Mexico
168-170 Washington Ave. (continuation of public hearing re disciplinary action)

Deborah A. Clayman
City Clerk

2015 MAY - 8 - 11: 23

RECEIVED
CITY CLERK'S OFFICE
CHELSEA, MA

May 19, 2015

Meeting of Chelsea Licensing Commission commenced on this date at 6:00 p.m. at the Chelsea Public Library Auditorium, 569 Broadway, Chelsea, MA. Present: Chairperson Silvia Guzman, Commissioners Joe Cooney, Roy Avellaneda, and Mark Rossi. Absent: Commissioner Ken Umemba. Also present: City Clerk Deborah Clayman and Captain Keith Houghton of the Chelsea Police Department.

Continuation of 5/5/15 public hearing commenced re Acunha Restaurant Corp dba Plaza Mexico of 168-170 Washington Ave. Chairperson Guzman read public hearing notice and members of Commission introduced themselves. Guzman further requested that when the Commission hears from the public, that everyone wishing to speak make their way to the podium, sign in noting name and address. Guzman noted for the record that there is a stenographer present to take notes and minutes of the public hearing re Plaza Mexico.

Atty Vitali appeared on behalf of Plaza Mexico and stated he previously questioned Lieutenant Noseworthy at the last public hearing and would like to question a few other officers. Atty. Vitali questioned Officer Paul McCarthy re #13-1817 report (p. 23); Officer Stephen Garcia re #14-112-AR (p.29); Officer Star Chung re #14-4613 (p. 45); Officer Dustin Chodrick re #14-4613 (p. 47); Officer Carlos Vega re #14-4613 (p. 49); Officer Ed Marchese re #14-4802-OF (p. 58); Capt. Keith Houghton re report #15-981 to which Houghton noted that there is still an investigation re this matter and this report was pulled.

Commission took a five minute recess.

Meeting reconvened and Guzman stated that since the order of the meeting was taken out of order due to the absence of the police, she would re-open the public speaking portion of the hearing to allow the district city councilor for the district where Plaza Mexico is located an opportunity to speak.

City Councilor Clifford Cunningham read his communication of 5/19/15.

Theresa Moreschi of 14 Bloomingdale stated she has been at 14 Bloomingdale St. for five years and has had no problems with Plaza Mexico whatsoever.

Amelia Velasquez of 14 Bloomingdale St. spoke favorably re Plaza Mexico through a translator.

Dan Luberto of 12 Pine Tree Dr., Saugus spoke favorably re Plaza Mexico.

Libardo Ortiz of 14 Bloomingdale St. spoke favorably re Plaza Mexico.

Jose Roman of 14 Bloomingdale St. spoke favorably re Plaza Mexico.

Public speaking portion of the hearing was closed.

Atty. Vitali questioned Tulio Maldonado re 12/23/13 (p. 110); Vilma Valle (p. 122); Joselito Ayala (p. 131); Misael Angulo Olais (p. 142); and Gerardo Acunha (p. 150).

Commissioner Avellaneda showed Attorney Vitali photos on his computer and questioned Plaza Mexico's advertisements re table service. Gerardo Acunha explained to Avellaneda at his request the definition and process re table service at Plaza Mexico.

Commissioner Cooney stated he believes there are management issues at Plaza Mexico re person who was putting his jacket off and on; going inside and outside of establishment repeatedly. Atty Vitali stated that was over a period of 45 minutes. Cooney noted that there were frequent trips made into the restroom and in and out of establishment.

Commissioner Rossi stated that for over the course of eight hours we have heard it was not their fault. He has not heard yet that maybe we made a mistake or how are we going to fix this. He hasn't heard what they are going to do to try and resolve these issues. There were errors made and he questions whether or not they acknowledge that there are issues. Gerardo Acunha stated they have all been trained after seeing the last video. They have been trying to address the issues. They check their cameras about twice a week. They have pictures of people who they will not allow inside anymore. Security now only allows one person into the restroom at a time.

Guzman noted that the following:

Re 14-2349-OF, awful management; she is happy they provided the video and cooperated; she doesn't find Vilma's testimony creditable; counsel kept testifying that there is a high rise building and they should be able to see everything that happens in the parking lot, which she doesn't believe to be true.

She has a management issue with report #13-1816-AR.

Re #131817-AR, they need to review the video and figure out what's going on with the property.

Re 14-112-AR, it seems to be more of an investigation of the police than something occurring inside the establishment.

Re 14-1127-AR is after the fact.

Re 14-4913-OF, she has the most issue with the incident of 11/10/14. The man is shoved out and skids outside on his face. She doesn't credit Joselito's testimony; the bar is full and no one telephoned police; somebody there should have grabbed the phone and called the police; there was not one phone call from the establishment to the police; the brutality of the security officer was brutal; to see him get thrown that way where you see him slide and nobody telephoned the police. No one called for an ambulance and that man was bleeding from his head. Something worse could have happened to the man had an ambulance not come by because not one person called for help for that man.

Re 14-4802-OF re scuffle with two men right near the door; she credits Officer Vega's testimony that it is the same Joselito; Acunha stated he is no longer working there; not one telephone call to police again.

RECEIVED
CITY CLERK'S OFFICE
MAY 19 2015

The biggest issue with the establishment is that they don't call the police and want to hide what's going on in there. No one is protected by security there and no one calls for help. Those are the real violations we have here.

Avellaneda stated there are levels here. They violate our rules and regulations; there are fights and no one calls the police; from his own personal experience, you know what's going on in front of your establishment. He knows a drug transaction when he sees one. The drug activity occurred at 4:00 p.m.; what are we doing to do, roll back hours to 12:00 noon?

Rossi stated his issues are that there is management deficiency; security throwing people onto their faces onto the sidewalk; serious problems re management; what they intend to do re resolution of these matters.

Avellaneda made a motion to roll back operating hours to 11:00 p.m., seven days a week; two week suspension of alcoholic beverages license; and revocation of amusement/entertainment license; seconded by Cooney.

Rossi amended Avellaneda's motion as follows: one week suspension of alcoholic beverages license; and roll back of operating hours to 11:00 p.m., seven days a week, effective five days from receipt of decision; seconded by Cooney. On the motion: Rossi – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

New Business:

Email communication of 5/17/15 from Roy Avellaneda re Lodging House Amendments was accepted and filed. Guzman requested that in the future, all requests for agenda items should be submitted to Chairperson Guzman and City Clerk Clayman. Legal is not part of the Licensing Commission; neither is the Police Department pursuant to the Administrative Code language.

Email communication of 5/19/15 from Roy Avellaneda re Licensing Alcohol License amendments was accepted and filed.

Boston Prime Cars Class II License application was submitted. Public hearing will be scheduled.

Meeting adjourned at 11:00 p.m.


Deborah A. Clayman
City Clerk

6/16/15

/dac

2015 JUL - 7 P 6:14

RECEIVED
CITY CLERK'S OFFICE
SPRINGFIELD, MA