



Deborah A. Clayman  
City Clerk

**City of Chelsea**  
**LICENSING COMMISSION**  
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**NOTICE**

There will be a meeting of the Chelsea Licensing Commission on Tuesday, June 16, 2015, at 6:00 p.m., at the Chelsea Public Library Auditorium, 569 Broadway, Chelsea, MA.

**AGENDA**

- 1) Minutes of Licensing Commission meetings of April 28, 2015, May 5, 2015 and May 19, 2015
- 2) New Business (any new business and other items not reasonably anticipated at the time of meeting posting)
- 3) Boston Prime Cars, Inc.  
48 Pearl St. (public hearing re Class II Used Car Dealer License application)
- 4) Chelsea Yacht Club  
One Broadway (conference re change of manager application)
- 5) Manotas Corporation d/b/a El Carriel  
9-11 Williams St. (conference re complaint)
- 6) Phantom Ventures, LLC  
d/b/a Phantom Club for Gentlemen  
200 Beacham St. (public hearing re Amusement/Entertainment License application)
- 7) Acunha Restaurant Corporation  
d/b/a Plaza Mexico  
168-170 Washington Ave. (public hearing re police reports)

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June 16, 2015

Meeting of the 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, Ken Umemba, and Mark Rossi. Also present: City Clerk Deborah Clayman and Captain Keith Houghton of the Chelsea Police Department.

Minutes of April 28, 2015 Licensing Commission meeting were tabled to next meeting.

Minutes of May 5, 2015 and May 19, 2015 Licensing Commission meetings were accepted and filed.

Communication of 6/9/15 from Attorney Joseph Machera re Las Palmas Restaurant of 44-48 Central Ave. was accepted and filed.

Communication of June 15, 2015 from ABCC re Las Palmas appeal hearing of July 29, 2015 was accepted and filed.

Application for change of license type and alteration of premises re Casa Mariachi of 49 Everett Ave. was submitted. Public hearing will be scheduled.

Police report #15-1447-OF from Chelsea Police Dept. re Tu Casa of 403 Broadway was submitted. Conference will be scheduled.

Police report #14-5279-OF from Chelsea Police Dept. re Acapulco Restaurant of 238 Fifth St. was submitted. Conference will be scheduled.

Police report #14-4588-OF from Chelsea Police Dept. re Chung Wah Restaurant of 460 Broadway was submitted. Conference will be scheduled.

Police reports #15-2330-OF and #15-206-OF from Chelsea Police Dept. re Rancho Los Pupusas of 36 Second St. was submitted. Conference will be scheduled.

Police report #15-2346-OF from Chelsea Police Dept. re Heller's Liquor Mart of 429 Broadway was submitted. Conference will be scheduled.

Police report #15-1409-OF from Chelsea Police Dept. re Las Palmas of 44 Central Ave. was submitted. Conference will be scheduled.

Police report #15-357-OF from Chelsea Police Dept. re Los Amigos Restaurant of 339 Broadway was submitted. Conference will be scheduled.

Communication dated June 11, 2015 from Attorney Kendra Kenscherf re Phantom Ventures LLC Entertainment License was tabled pending public hearing scheduled for this evening. Attorney John Donovan appeared on behalf of Phantom Ventures LLC and stated that Phantom

Ventures would like to withdraw it's Amusement/Entertainment License application without prejudice to filing a new application in the future. Cooney made motion to accept and file applicant's request for withdrawal of application without prejudice; seconded by Avellaneda. On the motion: Rossi – yes; Umemba – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

Email communication of June 10, 2015 from Judy Mastracola re Gentlemen's clubs was tabled pending Phantom Ventures public hearing scheduled for this evening.

Email communication of June 10, 2015 from City Councilor Brian Hatleberg re Gentlemen's clubs was tabled pending Phantom Ventures public hearing scheduled for this evening.

Email communication of June 10, 2015 from Ali Clift re King Arthur was tabled pending Phantom Ventures public hearing scheduled for this evening.

Email communication of June 10, 2015 from Carlos Rabito re Gentlemen's/Strip Club was tabled pending Phantom Ventures public hearing scheduled for this evening.

Email communication of June 10, 2015 from Esther Berkowitz re Gentlemen's /Strip Club was tabled pending Phantom Ventures public hearing scheduled for this evening.

Email communication of June 10, 2015 from Kim Arivella re Gentlemen's /Strip Club was tabled pending Phantom Ventures public hearing scheduled for this evening.

Email communication of June 11, 2015 from S. Michele Sisselman re Gentlemen's /Strip Club was tabled pending Phantom Ventures public hearing scheduled for this evening.

Email communication of June 11, 2015 from Mark Rust re Gentlemen's /Strip Club was tabled pending Phantom Ventures public hearing scheduled for this evening.

Email communication of June 11, 2015 from Jean Higgins re Gentlemen's /Strip Club was tabled pending Phantom Ventures public hearing scheduled for this evening.

Email communication of June 11, 2015 from Lauren Watt re Gentlemen's /Strip Club was tabled pending Phantom Ventures public hearing scheduled for this evening.

Email communication of June 15, 2015 from Karen Waldo re Gentlemen's Club was tabled pending Phantom Ventures public hearing scheduled for this evening.

Public hearing commenced re Boston Prime Cars, Inc., 48 Pearl St., re Class II Used Car Dealer License application. Alex Silva appeared on behalf of Boston Prime Cars. Chairperson Guzman read public hearing notice. Silva stated they are current conducting business in Somerville and Malden. He is now requesting to do business in Chelsea. He is purchasing the business and renting the space as a new corporation. He has been in business for seven years. They are looking to be licensed for the sale of 40 vehicles.

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Avellaneda noted that while this Commission has no authority re snow removal, he hopes he does a better job than the current owner re removal of snow at the location.

Umemba noted his concern re the \$25,000 bond re the impact it would have on residents who may purchase a \$40,000 vehicle from Boston Prime Cars.

Avellaneda made a motion to approve application, pending issuance of a certificate of occupancy from the Dept of Inspectional Services; seconded by Cooney. On the motion: Rossi – yes; Umemba – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

Conference commenced re Chelsea Yacht Club's (One Broadway) application for change of manager. Chairperson Guzman read conference notice. Chris Flahive appeared on behalf of the Chelsea Yacht Club and stated he is the vice commodore and according to their bylaws, the vice commodore is responsible for the bar both upstairs and downstairs. He has been a member for 17 years. All bartenders and officers are TIPS certified.

Captain Houghton stated the police department has no issues with the Chelsea Yacht Club.

Avellaneda made motion to approve change of manager application; seconded by Rossi. On the motion: Rossi – yes; Umemba – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

Conference commenced re complaint re Manotas Corporation d/b/a El Carriel of 9-11 Williams St. Chairperson Guzman informed Mr. Perez that a letter was sent to the Commission from area residents and read the communication signed by area residents. Jose Perez appeared on behalf of El Carriel and stated that Juan Manotas is away on business. Perez stated he understands the neighbors' frustration. It is a nightclub/bar and he would like to point out a few things. The bar is located on Williams St. and the neighbors complaining are not adjacent neighbors. There are a number of apartments in his area and not one of those neighbors is complaining. The person complaining lives blocks away. The bar staff has been very respectful with the police department and have had no issues. He is deeply sorry for any inconvenience he has caused his neighbors but is puzzled that the neighbors who are blocks away are complaining. He is committed to lowering the noise in the bar.

Capt Houghton stated that they had three calls this year re protective custody on 3/20/15 and re loud noise but have no police reports.

Constance Lizio of 18 Division St. stated she has lived there for 20 years. She doesn't live three to four blocks away. She has rolled with things for 20 years but they do not want to stay up until 1:00 a.m. and dance. They are bringing in music promoters and the music is vibrating. There is a lot of base. Forty years ago this might have been a suitable area for a nightclub. She thinks this is the wrong spot for this bar. There is more housing coming and it is not the spot for it.

Edward Medico of 18 Division St. stated in 20 years he never had to make a call re the bar (Parrotta's) across the street. The loud music all night is disturbing. The noise level is way out of whack. The noise must be addressed. There is loud noise when patrons are leaving the bar.

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Perez stated he does want to compromise. He stated that he is also a taxpayer and is licensed to operate until 1:00 a.m. This bar has not been just since they took over; it has been around for close to 100 years. He does not own the building. He will be committed to turning down the noise and make sure adjacent neighbors have more peace at night. However, they do have a business to run.

Umemba stated that he would like to see this matter go to a public hearing and suggested that he reach out and work with the community. A businessman has to do something better than what has been done. He doesn't want to see him incur a lot of cost, but he has to do something to remedy this matter re noise. He hopes he can work with the neighbors.

Rossi questioned Perez re what steps he has taken to try to remedy the noise issue. Perez stated they disconnected the base and lowered the music. Sound travels and the building is very old. It would be costly for them to soundproof and it is difficult to deal with the property owner re making changes. Rossi stated that he hasn't heard that Perez even asked the property owner to make changes. In the past, police have been called and asked him to lower the music and he complied. Rossi questioned why he continues to raise the volume. Perez stated when the police arrive they keep the same level; however, they continue to complain after the police leave. It is still a bar.

Guzman stated that Perez keeps referring to the establishment as a nightclub. It is a bar. The City of Chelsea does not license night clubs. You are actually a bar with some entertainment. Soundproofing is something he should look into; it is not that expensive, and she suggested that he should look into that option. He might want to look into a double door. If you know there is a volume level that works, keep it at that volume.

Avellaneda stated there is a comment that was made and he would like to talk about that re his landlord. Avellaneda stated that his association with Lisa is that re commercial leases, the tenants are responsible for all maintenance on the inside of the property. Your lease probably stipulates that you are responsible for all maintenance. If you are going to play loud music, you have to look into soundproofing. He would like to see an estimate from the licensee that something was done re soundproofing.

Rossi made motion to move matter to public hearing; seconded by Avellaneda. On the motion: Rossi – yes; Umemba – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

Public hearing commenced re Phantom Ventures, LLC, d/b/a Phantom Club for Gentlemen re Amusement/Entertainment License application.

Public hearing commenced re Acunha Restaurant Corporation d/b/a Plaza Mexico of 168-170 Washington Ave. in connection with alleged violations reported by the Chelsea Police Department. Attorney David J. L'Esperance appeared and submitted an appearance of counsel on behalf of Acunha Restaurant Corp dba Plaza Mexico, which was accepted and filed by the Commission. Attorney L'Esperance stated that today Mr. Acunha received a decision of the Licensing Commission, dated June 16, 2015, regarding matters heard on 5/19/15. On Sunday night when Plaza Mexico closes, is that when the seven days start? He would like to suggest that

the police department did a synopsis of various reports that have been turned over to the Commission. With respect to incident of alleged stabbing in or around Plaza Mexico, he would note that the employees and management cooperated with the police department. He has a copy of a telephone report confirming that 911 was called at 8:59 pm after it was learned that the patron may have been injured. The employee testified before the grand jury and spoke truthfully. Recognizing that there are some problems there, they make the following suggestions for consideration:

- They stay closed for an additional seven day period and during the two week period of closure, the Plaza Mexico will increase lighting and cameras in front and rear of the premises;
- They hire additional security person for back door, rest rooms and Washington side of establishment for unruly patrons;
- Make arrangements with the police department re installation of distress alarm button that would go right to the police department;
- They are in the process of fully admitting that the problem seems to be the manager or lack of manager on site. They would the two week closing period to interview and hire proper manager;
- They would not appeal the suspension;
- Upon hiring new manager, when ABCC approves change of manager, they would ask for return of closing hours to 1:00 a.m.

They are all pro-active measures and they believe if they change the manager and get a professional person, it would alleviate problems. They want to be pro-active. They do not have a written proposal.

Guzman stated she thinks their camera system is pretty good. Attorney L'Esperance doesn't think they have proper cameras out back. Misael and others will still be employed there. You would be putting in a puppeteer. L'Esperance stated that he strongly disagrees. They will be putting someone in who is professional and who has experience.

Rossi stated that when there is an emergency, no one takes the step to make a phone call and questioned how a panic button would change that. L'Esperance stated there will be new policies in place. They are not sure the Chelsea Police will even accept the distress button.

Guzman questioned whether or not they plan to hire another person from the same security company they have now. Acunha stated yes, but if the Commission wants him to hire another security company he is willing to do that.

Cooney stated that after the two week closure period, would they immediately want to go back to 1:00 a.m. closing. L'Esperance suggested that when the ABCC approves new manager, they would wait until that time. He believes it would take two to three months.

Umemba questioned whether Acunha was the manager who was on duty when all the incidents occurred to which L'Esperance responded not all the time. The new manager would have control over the whole operation of the establishment. If the proposed manager was not

approved, they would have to propose another new manager. A new manager would take action to assure rules and regulations are followed and patrons are safe. There is not much more to say re what they admitted to. They have admitted there is a problem and they want to change things to correct it in a pro-active manner. L'Esperance stated that in addition to being an attorney, he is a retired police chief and he has gone over this matter with the employees to be sure they understand what must be done to alleviate the problems. They don't necessarily intend to stay with the same security company if they can't do what they demand them to do. They need to be hyper-vigilant about monitoring what's going on. Acunha stated that he will be there more often until they get a new manager.

Rossi stated that they are looking to install panic button, more cameras, lights in rear of building, and hire a new face (manager). L'Esperance stated they will do whatever the Commission wants them to do.

Guzman stated that Misael and Miguel are also managers and if the owner cannot control his own staff and the other staff, that is a concern of hers. L'Esperance stated the new manager will be there during peak hours. Guzman stated that is what Acunha should have been doing.

Rossi stated that his concern is that it is more of the same. It is not incumbent upon the Commission to tell them what to do. The camera system is outstanding. The lights are great but that is a given if they find there is a lack of lighting. He is reluctant to buy into the panic button because no one is picking up the telephone. The new face is not enough. L'Esperance stated the compelling issue is the loss of the license. Rossi stated he is not hearing anything to convince him to buy into the giving back of operating hours and questioned how things are going to change. L'Esperance stated there will be a professional manager who will make everyone follow the rules and regulations. They know if that doesn't work, they will lose the license.

Umemba stated his concern is there is a manger who will continue to be there who has not complied with the regulations.

Guzman stated there is not much difference with just the figure head if we still have the same staff and questioned whether or not they would consider replacing Misael and Miguel as staff. Fights and stabbings have occurred and there was no call. The 8:59 pm call was 20 minutes after this person had already reported the incident. He has a security company who beats up the patrons. L'Esperance stated he believes that they got the message loud and clear about the security company. She doesn't think what they are offering is good enough. If anything, this establishment does cooperate with the police department, stated L'Esperance. Guzman stated she will not vote to restore operating hours immediately after a new manager is hired. There is a systemic failure with the staff. She thinks that is really the problem and part of it is that Mr. Acunha is never there. He delegates to other people who do not do a good job. Acunha stated he is willing to change whatever he needs to change. He will replace staff to do whatever he has to do.

Cooney stated it is too soon to agree to give hours back until they see what happens.

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Guzman suggested that we continue this hearing and the attorney provide something in writing. Avellaneda stated we haven't heard from the police department yet and he thinks they should be heard.

Capt Houghton stated they have a 17 year old who was almost murdered. He doesn't know how you put a bandaid on a 17 year old almost dying. This bar did not cooperate with the police. These two officers present this evening can tell what a video shows that a 17 year old got stabbed. The 911 call was not from the bar; it was from the victim's family. This is not a family restaurant; it is a full nightclub at night. He would like to play the audio tape.

Capt Houghton played audio tape.

Sgt. Brian Dunn stated when he responded to Plaza Mexico after the stabbing, Misael and Mr. Acunha were there. Several patrons were IDed. They got surveillance video. When they got there, there was an altercation with a 17 year old. They were outside and then came inside. In his opinion, the establishment appeared to be a nightclub. The fight broke out. Misael got involved trying to break up the fight. You can see on the video when they were trying to get the person out, he pulled out a knife. They moved out of the way. The victim, with his family, was trying to leave through the back door. The suspect had the knife in his hand. Where the actual stabbing occurred, you can see the motion but you can't see the actual stabbing. No one called the police. You can see the victim outside and banging on the back door and no one let him inside. The victim went to Massachusetts General Hospital. When the call came to the police, the police were already on the scene. Once they figured out who this suspect was, they had days of tracking with other agencies to catch the suspect who was a known patron in this bar. There was an indictment that came down.

Lieutenant Noseworthy stated when he comes to the station in the morning; he overlooks reports that came in from the night before. He reviews and assigns them to detectives. He notices there had been a serious stabbing. He talked to Sgt. Dunn and stated he wanted to see Cary Square camera. Det. Dunn told him the family got locked out and had to take the victim to the Massachusetts General Hospital and it was closed. They called 911 from there. He estimated that the stabbing occurred about 8:30 to 8:40 pm. He looked at the video. Det. Vega downloaded the video from inside Plaza Mexico. He watched the video and saw a young boy walking out behind a man who slammed the door and when they got outside they exchange words. A fight occurred and this guy pursued this boy all the way to the back door. The suspect lunged at the boy with the knife. He sees the suspect come out with something in his hand. The Plaza Mexico has two good cameras outside and they have one that looks down toward Cary Square and he comes running out with something in his hands and run up Forsyth St. He comes back in less than a minute and goes by the parked cars and gets into a van and flees. He suspected he threw the knife away on Forsyth St. and the first barrel he moved, he found a knife smeared with blood. He had his car registered at a store at 18A Everett Ave. They tracked him down through another agency. Capt Houghton stated that he has since been indicted. Sgt. Dunn stated that the suspect frequented this bar and since then they have not been totally truthful in the investigation.

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Capt Houghton stated that the police are acting as agents of the Licensing Commission and he hopes we believe them.

Miguel stated that Misael called him and said Tito and a Dominican got into a fight. He told him everybody was ok. Hector and Tito are regular customers. Tito told him he put the kid in the car and saw he had a big jacket and didn't no he was stuck with a knife. When Misael called him and told him what happened he called the police. Guzman questioned why Misael didn't telephone the police himself. L'Esperance stated that he questions that himself. Guzman stated that her issue is their lack of telephoning the police.

Umemba stated that they have admitted they made a lot of mistakes but the video provided by the police has been of assistance. He questions whether or not there is something we can do to make things better.

Capt Houghton stated that the police cannot offer any suggestions re the Commission's decision. They are going to put a new manager in as a straw and will continue to run the business. He is not going to make a recommendation.

L'Esperance stated that if Capt Houghton went to an incident that occurred in Bellingham Square, he would not get everyone to cooperate.

Avellaneda asked if there were people inside when they were pounding on the door. Sgt. Dunn stated there were people inside. The victim and his family were leaving in the back and Misael went in the back area, which is seen in the video. Misael and the suspect go back inside. At first, he may not have known he got stabbed. You could see him banging on the back door and no one let him in.

Santos Sousa of 172 Washington Ave. appeared and stated he is the pastor of the church next door. His work is to bring people out of addiction. His work is to help the city. There has been a shooting there and his car got struck by bullets. They don't use the backdoor much. You have the authority to consider if we need this bar in the middle Chelsea. He is looking where to move if the bar continues there. Before it was a bar, it was a restaurant and that was fine.

Pedro Abreau of 149 Congress Ave. stated he doesn't know why a 17 year old was in the bar and was not asked for identification.

Zeta Hogan of 21 Elliott Rd., Revere, stated she lived in Chelsea for two years and appreciate what the city is becoming. She works all over the city and what she sees is females dressed skimpily in front of the bar and she sees potential problems. A young person should not be in a place like that.

City Councilor Dan Cortell stated that a lot of what he has heard concerns him. It seems like Plaza Mexico is here more than other places. They didn't call the police when the incident occurred; lack of police calls; and nightclub concerns him. We don't have nightclubs in Chelsea. He trusts the police department. Plaza Mexico is a concern; nothing seems to change there.

Management and ownership remain the same and they come back with the same issues. There is a lack of cooperation. He believes it is time for serious ramifications.

Charles Klauder of 11 Orange St. stated he has no comment related to this issue. He thinks drugs are becoming an issue in Cary Square area.

Public speaking portion of the hearing was closed.

Avellaneda stated this bar has been here too many times. It's changed from a family restaurant to a nightclub; drug sales, security who assault patrons; owners are extremely lucky we didn't lose a young individual that night. He doesn't think a change of manager is a solution. What do our agents, the police department, have to do to send a message to this Commission? His recommendation is for revocation of the alcoholic beverage license and amusement/entertainment license of this bar.

Cooney stated that we didn't see the video and asked if it was the manager who went out back. Houghton stated the still photo shows where you can clearly see the knife.

Rossi stated there is a systemic problem and he hasn't heard anything concrete to compel him to not vote in favor of a revocation. He is profoundly disturbed by these problems and a change of manager doesn't seem like a fix. He is in line with revocation at this time.

Umemba stated in light of the fact that he has not viewed the video, he is looking at a case that he doesn't want to go to appeal. He would be very careful re revocation. There can be ways to reach a consensus re better management. He has not seen all video but he understands what Capt Houghton stated and the pastor as well, but in light of what's going on, he will be very careful not to revoke and begs the Commission to review what he is proposing. He doesn't believe revocation is the answer. He would suggest a suspension of 30 days so they can take corrective measures to make sure rules and regulations are put in place.

Cooney stated that due to the fact that the knife was shown, he is thinking revocation at this point.

Avellaneda stated if this police report had been included in the package when the previous police report package was addressed, the recent suspension may have been a revocation. He finds this very similar to Las Palmas incident where the Commission revoked the license.

Guzman stated part of her believes a long suspension is the right thing. She was waiting for a commissioner to suggest a three month suspension. She doesn't equate this to the Las Palmas matter that was just the one incident of locking the doors and not calling the police. Though they are similar, they are not the same. There was alcoholic beverages present not from the purveyor; video was not present; lack of cooperation; lack of opening doors; lack of calling 911. In this matter, she is appalled that knife was shown; lack of trained personnel; lack of calling police by all staff; and management and personnel is a systemic failure of this establishment. The quick fix of new manager will not fix this. We will still have the same personnel working there. She is thinking of a long suspension. She could be convinced. The revocation is an appeal to her

because the truth is that even with a suspension, nothing is going to change. Cooney asked Guzman if the 17 year old died would she feel different to which Guzman stated she would.

Avellaneda made a motion for revocation of the alcoholic beverages license, common Victualer license, and amusement/entertainment license, effective five days from receipt of the decision; seconded by Cooney. On the motion: Rossi – no; Umemba – no; Avellaneda – yes; Cooney – yes; Guzman – no. Motion failed.

Rossi made motion to suspend alcoholic beverages license for six months with the conditions that new professional team be appointed; additional cameras be added; additional lights be placed in back of establishment; security company be employed with two security staff; installation of panic button to police department; seconded by Umemba. Guzman amended motion to include revocation of entertainment license as well because otherwise they can still have music and dancing; Rossi seconded Guzman's amendment. On the motion: Rossi – yes; Umemba – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

Meeting adjourned at 10:00 p.m.

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