



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

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

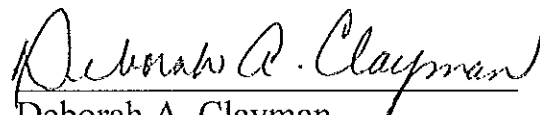
Deborah A. Clayman
City Clerk

NOTICE

There will be a meeting of the Chelsea Licensing Commission on Tuesday, September 29, 2015, at 6:00 p.m., at the Chelsea Public Library Auditorium, 569 Broadway, Chelsea, MA.

AGENDA

- 1) Minutes of Licensing Commission meetings of July 14, 2015
- 2) New Business (any new business and other items not reasonably anticipated at the time of meeting posting)
- 3) The Diranian House
255 Chestnut St. (public hearing re application for Rooming House License)
- 4) Aguilar Corporation d/b/a Bar La Cueva
802 Broadway (public hearing re Common Victualer License, Amusement/Entertainment License, and new Restaurant/All Alcoholic Beverages License)
- 5) Chelsea City Taxi, Inc.
180 Everett Ave. (public hearing re Transfer of Taxicab Operation Licenses)
- 6) Rancho Las Pupusas
36 Second St. (conference re police reports)
- 7) Acapulco Mexican Restaurant
238 Fifth St. (public hearing re police report)


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September 29, 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 Ken Umemba, Mark Rossi, Mike McAteer and Roy Avellaneda (arrived late). Also present: Captain Keith Houghton of the Chelsea Police Department and City Clerk Deborah Clayman.

Minutes of Licensing Commission meeting of July 14, 2015 were accepted and filed.

Communication of September 25, 2015 from Attorney Michael Ford, requesting continuance of hearing re Acapulco Mexican Restaurant of 238 Fifth St. was accepted and filed.

Amusement/Entertainment License application of Floramo's was submitted. Conference will be scheduled.

Door to Door Solicitor application of Ergwin Umana d/b/a Solar City was submitted. Public hearing will be scheduled.

Communication of Erick Orellana re Fatima Washington Deli was submitted. Conference will be scheduled re operational status.

August 7, 2015 communication from ABCC re Acuna Restaurant d/b/a Plaza Mexico was accepted and filed.

August 21, 2015 communication from City Solicitor Cheryl Watson Fisher re Achuna Restaurant d/b/a Plaza Mexico was accepted and filed.

August 24, 2015 communication from Attorney Samuel Vitali re Achuna Restaurant d/b/a Plaza Mexico was accepted and filed.

August 25, 2015 communication from City Solicitor Cheryl Watson Fisher re Achuna Restaurant d/b/a Plaza Mexico was accept and filed.

Fax transmittal sheet, dated 8/27/15 from Attorney Samuel Vitali re Acunha Restaurant dba Plaza Mexico was accepted and filed.

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CHELSEA, MA

September 2, 2015 communication re Summons and Restraining Order in connection with Acunha Restaurant dba Plaza Mexico was accepted and filed.

September 3, 2015 communication from City Clerk Clayman re Chelsea Yacht Club re change of manager application and recommendation of ABCC was accepted and filed.

September 24, 2015 notice of appeal re Acuna Restaurant dba Plaza Mexico was accepted and filed.

Public hearing re Rooming House License application of Alek Vienneau and Michael Vienneau to do business as The Diranian House at 255 Chestnut St. commenced. Alek Vienneau appeared and submitted a SRO Licensing Presentation, noting agenda, leadership team, construction team, portfolio, why they like Chelsea location, proposed exterior enhancements, exterior rendering, proposed interior enhancements, interior layout rendering, interior check-in rendering, outstanding utility/taxes/violations/fees, and SRO license and timeline.

Upon questioning of Rossi, Vienneau stated that he currently does not own the property and he believes that there are currently four lodgers living there. Ginny Diranian appeared and stated that there are five lodgers currently living there. Vienneau stated he currently owns 44 and 46 Hawthorne St. A number of different businesses have reached out to him inquiring about renting out the property at 255 Chestnut St. They have not finalized what they are going to do with the property re renting out the space. They would like to lock someone into a one year lease and hope to get long term renters in there. He intends to do some exterior remodeling and pedestrian safety is important as well as installation of security cameras. They will add some motion detectors as well as some lighting for security to like up the sidewalk.

Umemba stated that there is a violation of 5.05 of the rules and regulations and he would, therefore, vote no today. Umemba stated that Vienneau cannot rent to students or contract the rooms out for lease. Vienneau stated he will rent to individual persons. He will be the contact person if anything goes wrong. He is willing to work with the City re the outstanding fees and debt. He will operate as a brand new LLC which he has not filed as of yet. They are working with their attorney to finalize all paperwork. They are not working with a broker. He is in the industry and made phone calls and reached out to a few people and got in touch with Ginny Diranian himself.

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Guzman stated he cannot enter into a contract with a company that will choose the renters. Bunker Hill rentals would be like a dormitory. Vienneau stated that he understands the back taxes but doesn't know what else is outstanding and would like to work with the City to resolve these issues. That information was relayed to the property owner previously and the Commission cannot issue a license while there are outstanding taxes and monies due the City. She believes this matter must be postponed. This matter has been before us on numerous occasions and she has previously stated this is an illegal rooming house operation. There is no license right now, five occupants are residing there, and it is illegally being used as an unlicensed rooming house. Taxes are not paid and monies are due the City. This building must be vacated and at that point it would no longer be used illegally.

Vienneau stated he would like to get things back up to where they should be. Guzman stated he must deal with all the outstanding monies and she realizes this is like a catch 22 situation. However, we cannot address this while there are outstanding monies due the City.

Rossi stated that Vienneau's presentation has nothing really in there that he can work with re concrete plans. He wants to see something that illustrates what he is really going to do with this building.

Public speaking portion of the hearing was opened.

Maryann Winship of 62 Beacon St. stated she is interested in a copy of the plans given to the Licensing Commission. She works at the Salvation Army across the street from the rooming house and would be interested in seeing the plans.

Ginny Diranian of 296 Washington Ave. stated that the superior court judge is aware that there are five people living in the building and the judge told the City he was fine with the people being in there. The judge told her to go back and finish up this deal and allow the tenants to remain.

Public speaking portion of the hearing closed.

Umemba made motion to continue public hearing until we hear back from the petitioner; seconded by Rossi. On the motion: McAteer -- yes; Rossi -- yes; Umemba -- yes; Guzman -- yes.

Public hearing commenced re Common Victualer, Amusement/Entertainment License, and new restaurant/all alcoholic beverages license applications of Aguilar

Corporation d/b/a Bar La Cueva of 802 Broadway. Attorney Joel Mazer appeared with Manuel Aguilar and Cheryl Graham on behalf of Bar La Cueva. Attorney Mazer stated that Mr. Aguilar has run the Bar La Cueva since 2008 until last year when he negligently forgot to renew his alcoholic beverages license on time. He gave the application to another attorney who sat on it and never turned it in for processing. He has never had any problems running the operation. They have been TIPS certified and Cheryl was the manager previously. They have a certificate of good standing and for cleared up all outstanding taxes.

Avellaneda stated that he doesn't think there is a kitchen and questions why he is requesting a restaurant license. Cheryl Graham stated that they sell grilled hot dogs and have a grilling machine.

Aguilar stated they previously operated Monday through Saturday from 8:00 am to 1:00 am but he will amend the application noting the operating hours as Sunday through Saturday from 11:00 am to 1:00 am. He stated that he has no dance floor but would like to have a DJ and karaoke, which he believes will help his business.

Umemba stated that he has a problem with the floor plan. He has fundamental problems voting for this.

Captain Houghton stated since they do not have a license there is a pending matter re a fatality re a car accident claiming over serving in the bar on the night of an accident. The camera system was not working and they were not cooperative. The victim and deceased were regular customers in there. There was no active license so the matter was not brought before the Commission. Since the license lapsed, the building has not been open.

Avellaneda questioned Houghton re whether or not there have been any calls to this establishment. Houghton stated it doesn't pop up in his head that they had problems in the past.

Attorney Mazer stated his client denies that they over served. Graham stated they didn't even know that matter referenced by Captain Houghton was pending and she feels that when a shooting occurred outside, they were very cooperative and provided camera tapes. They have 16 cameras and whenever officers wanted to see the tapes, he always allowed it. It gets erased into its own system every two weeks, stated Aguilar. He watches the video and always allows police into the back to watch video. He has four employees, bartenders and security (NASA) from 8:00 pm to 1:00 am. He opens and closes and spends most of his time there.

Alice Conlon of 40 Eleanor St. stated that it has been very quiet since they closed. Having a bar is one thing but it's noisy at times. This is a neighborhood and she is unhappy with them. Patrons come outside to smoke and she doesn't think this is the place for it and questions why the City needs another bar.

Mary Szalkowski of 38 Eleanor St. stated since the bar has been closed the street has been beautiful and very quiet. When she gets home at night she never has a place to park when they're open for business. As much as she loves Manny, who is a very nice person, they don't need a bar at the corner. She has seen drugs being passed outside and money exchanged.

Kathy Conlon of 83 Tudor St. stated she doesn't think the bar is an issue but she thinks the amusement/entertainment is an issue. Patrons leaving the bar as they leave is an issue. She doesn't understand how they can have a bar open until 1:00 a.m. when parking enforcement begins prior to that time. Snow removal is also a problem in that area and he has to work with the neighbors and City.

Public speaking portion of the hearing was closed.

Avellaneda made a motion to approve Common Victualer License and Alcoholic Beverages License with the amended hours of 11:00 am to 1:00 am, seven days a week; video system location inside and outside so there is no areas of the bar not recorded; and that they have surveillance available for at least 21 days; seconded by McAteer. On the motion: McAteer – yes; Rossi – yes; Umemba – no; Avellaneda – yes; Guzman – yes.

Avellaneda made a motion to approve Amusement/Entertainment License application for Jukebox; TV; Karaoke; and Amplification only (no DJ); seconded by McAteer. On the motion: McAteer – yes; Rossi – yes; Umemba – no; Avellaneda – yes; Guzman – yes.

Public hearing commenced re Chelsea City Taxi re transfer of taxicab operation licenses. Nelson Alvarado appeared on behalf of Chelsea City Taxi along with Henry Monsalve and Attorney Lawrence Christopher on behalf of Chelsea C & M Taxi, Inc., d/b/a Chelsea C & M Taxi. Guzman stated that she was contacted by Nelson Alvarado, as she previously represented him and his father, and she explained to him that she is not able to represent in this matter. Attorney Christopher stated he is here on behalf of Mr. Monsalve who is purchasing five taxicab licenses from Mr. Alvarado. Attorney Christopher stated that he had been

contacted by Mr. Alvarado and informed him that he could not represent him because he was representing Mr. Monsalve. Christopher stated that Monsalve wishes to open a business for himself at 31 Second St. and that Alvarado is selling Mr. Monsalve five of his twelve taxicab licenses. Monsalve was originally going to do business as Chelsea Green Taxi and is now going to be doing business as Chelsea C & M Taxi. He talked to Lighthouse Insurance, who will insure his cabs if he gets approved. He took it upon himself to incorporate with the hope he would be approved for the transfer of the licenses. Monsalve has been an employee of Mr. Alvarado for many years. He has been working in the City for five years and would like to start a business of his own with his family who will be assisting in the operation of the business. He is a dependable and trusted employee.

It is an outright transaction and there is an agreement between the parties re how it will be paid. It will be a monthly payment between them and not through the bank. The amount of \$200,000 is being paid in 80 payments of \$2500 monthly beginning November 1, 2015 through May 1, 2022 secured by a promissory note. Attorney Christopher submitted for the Commission's review a sales agreement and provided a copy of a promissory note. Monsalve will use the same drivers as Alvarado and they will work for both companies. They have read the taxicab rules and regulations.

Avellaneda stated that in the past they have had complaints from residents re fares being rejected because of the amount of the fare. They cannot reject someone based on distance and the fare.

Avellaneda made a motion to approve transfer of five taxicab operation licenses from Chelsea City Taxi to Chelsea C & M Taxi; seconded by Rossi. On the motion: McAteer – yes; Rossi – yes; Umemba – yes; Avellaneda – yes; Guzman – yes.

Conference commenced re Rancho Las Pupusas of 36 Second St. relative to police reports #15-206-OF and 15-2330-OF submitted to the Commission. Attorney Lawrence Christopher appeared with Gustavo Serna on behalf of Rancho Las Pupusas and stated that Gustavo's wife received the meeting notification but is not available due to illness and that Gustavo runs the day to day operation of the business.

Captain Houghton summarized police report #15-206-OF.

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Christopher stated that their delivery was not getting delivered due to an expected storm and that they loaded up for the next day. Captain Houghton stated that the liquor store was also warned re the amount of liquor sales. All liquor purchased from the liquor store was carried into Rancho Las Pupusas. They were cooperative with the police and the next day we got hit with the first of many snow storms. Christopher stated that Rosa Carmen Ruiz was fired. Captain Houghton stated that he believes the liquor store was unaware of the law re liquor sales but he has now been warned.

Umemba stated a violation is a violation.

Rossi stated that the report speaks for itself and they are now aware that they cannot do this again.

McAteer stated that the report is clear and he, therefore, has no questions.

Guzman stated that the report is clear and there is nothing else to say. She has a strong objection re liquor not being purchased by a purveyor. If you don't have enough liquor, you must close. She recommends that this matter get sent to a public hearing.

Rossi made motion to schedule matter for a public hearing; seconded by McAteer. On the motion: McAteer – yes; Rossi – yes; Umemba – yes; Avellaneda – yes; Guzman – yes.

Captain Houghton read police report #15-2330-OF. Attorney Christopher stated that one of the gentlemen was the husband of one of the waitresses. Gustavo was angry when he found out what had occurred. He is the only one who closes and four days after the incident he got security cameras he can see from his home and has since updated the cameras to rectify the problems. If he can't be there at all times, he can see what's going on from his house. All employees are TIPS certified. One of his businesses closes at 11:00 pm and he closes this business after that.

Captain Houghton stated that Gustavo has always been good re providing camera video.

Avellaneda made a motion to schedule this matter for a public hearing; seconded by Umemba. On the motion: McAteer – yes; Rossi – yes; Umemba – yes; Avellaneda – yes; Guzman – yes.

Public hearing re Acapulco Mexican Restaurant will be rescheduled as per the communication of September 25, 2015 from Attorney Michael Ford.

Meeting adjourned at 8:30 p.m.

Deborah A. Clayman
Deborah A. Clayman 10/27/15
City Clerk

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