

Minutes of the May 23, 2017 meeting of the City of Chelsea Licensing Commission.

Meeting opened at 6:02 p.m. by Chair Silvia Guzman (Guzman).

Commission members present: Michael McAteer (McAteer), Roseann Bongiovanni (Bongiovanni), Silvia Guzman (Chair), Mark Rossi (Vice Chair).

Absent: Jim Guido

Also present: Captain Keith Houghton on behalf of Chelsea Police Department, City Solicitor Cheryl Watson Fisher, Municipal Hearing officer Strephon Treadway and Licensing Administrator Jenny Builes.

Vice Chair Rossi moved to adopt the minutes of the March 28, 2017 meeting. McAteer second. Vote unanimous.

Clerk's Update/New Business:

Commissioners asked the licensing administrator to notify Blue Taxi Company, that the application of Francisco Tejada regarding a Hackney license was denied.

City Solicitor introduced the new City of Chelsea Downtown Taskforce that is led by the Chelsea Police Department and involve representatives of the city such as ISD and DPW, who have meetings once a week. Fine Mart at 260 Broadway was sent a letter from the law department regarding a report from the Police department, that people are consuming alcohol in the laundromat and outside premises as well. Captain Houghton stated his officers have no other choice but to arrest any people who are publically intoxicated and creating a nuisance. Vice Chair Rossi motioned to schedule a conference. McAteer second. Vote Unanimous.

City Solicitor spoke regarding Chelsea Liquor Mart, which was brought to the attention in the City Downtown Taskforce meeting. Chelsea Law Department sent a letter to Chelsea Liquor Mart at 182-184 Broadway regarding the redemption center creating a nuisance. McAteer stated ISD is visiting the property and checking to see how clean the property is on a weekly basis. This communication was accepted and filed.

Chair opened the public hearing to consider a Transfer of Ownership application for an All Alcoholic Beverages License and Amusement/Entertainment License to Carmona LLC d/b/a El Carriel at 9-11 Williams Street. Attorney Joel Mazer appeared along with Jose Corez and both asked the commission for a continuance. Both gentleman explained the mix-up on the lease between the tenant/restaurant owner and the property owner, where the restaurant owner signed the lease under as the property owner. Rossi motioned to allow the continuance. Bongiovanni second. Vote Unanimous.

Chair opened the public hearing to consider a proposal to suspend, revoke, and/or modify the Restaurant/All Alcoholic Beverages License of Aguilar Corporation d/b/a Bar La Cueva at 802 Broadway. Attorney John L. Dodge appeared with Manuel Aguilar owner of the establishment. Attorney Dodge asked the commission for a continuance because he was just appointed as Mr. Aguilar's counsellor and he wanted to further investigate and gather more information before a public hearing. Captain Houghton stated CPD has reports and pictures of the establishment. Dodge and Captain Houghton exchanged contact information. Chair questioned Attorney Dodge and Mr. Aguilar why he waited last minute to change counsellors. Attorney Dodge states he has known Mr. Aguilar for nine years and

decided to reach him as his counsellor for this case. Chair further explained to Attorney Dodge and Mr. Aguilar that public hearings are very important and cannot be continued often.

Rossi motioned to grant the continuance and may incline to a conference and also give the counselor an opportunity to speak at the public hearing. McAteer Second. Vote Unanimous.

Chair opened the Conference for Crown Fried Chicken at 895 Broadway. Adalat Khan appeared as the owner of the restaurant. City Solicitor mentioned the licensing commission is being notified regarding the allegations of tax fraud and violating the City of Chelsea's Wage Theft Ordinance. She also mentioned the owners signed the wage theft ordinance form earlier this year for the Common Victualer License renewal. Treadway mentions the licensing commission has the discretion to modify, revoke or suspend the license. The restaurant was charged with one count of conspiracy and two counts of subscribing false tax return. The allegations also included not reporting certain number of employees. Khan explained to the commission that is uncle forged his name. Chair questioned Mr. Khan if he had an attorney to represent him today. Mr. Khan stated he does not have an attorney today. Bongiovanni mentioned that this has happened in Chelsea before with illegal immigrants and also questioned Mr. Khan on how many employees were not accounted. Mr. Khan responded that three employees were not accounted for. Chair suggested Mr. Khan seek a lawyer, so he does not incriminate himself. Rossi motioned for a public hearing and encourage Mr. Khan to bring a lawyer with him to the public hearing. McAteer second. Vote Unanimous.

Chair opened the 2017-18 Petroleum Storage License renewal hearing. Chair motioned to approve the renewal applications submitted timely and to send late notices to the establishments that did not renew. Vice Chair Rossi second. Vote Unanimous.

Chair opened the 2017-18 Motor Vehicle Garage/Repair Shop License renewal hearing. Edson Teixeira and Sam Mello of 35 Myrtle St. Everett MA, appeared on behalf of F1 Motors at 200 Everett Ave. McAteer mentions last year in July's licensing meeting F1 Motors was granted the license based on an approved site plan. He also conducted an inspection on 5/22/17. Chair mentions last year's licensing meeting Mr. Teixeira's partner, Deb appeared on behalf of F1 Motors and agreed with the commission to the parking plan of 24 vehicles, also agreeing to paint designating lines in the parking lot. Chair questioned Mr. Teixeira on why he hasn't complied with the decision made last year, and considers not to renew the license. Mr. Mello and Mr. Teixeira spoke and stated they cannot fit all cars into the parking lot because of their neighbor Bonilla Auto Body taking 6 parking spaces from them in the rear of the parking lot. A questioned raised about how if this license is denied, the Class I, II, III will be affected. Chair and Rossi's concerns were on why they waited until the renewal process to make a full compliance. They also were concerned on the proper egress for the fire department to park on, in case of an emergency. Mello and Teixeira promises the commission to be in full compliance within the next few days. Rossi requested Mr. Teixeira to give Captain Houghton a list of all employees who work at F1 Motors. Rossi motioned to deny the renewal application for a license until F1 Motors have fully complied with the parking plan and to report to Captain Houghton at CPD and be inspected by Inspectional Services. Captain Houghton will be monitoring on a daily basis as well. Bongiovanni second. Vote Unanimous.

Rossi motioned to approve the rest of the renewal application licenses for Motor Vehicle/Repair Shops. Bongiovanni second. Vote Unanimous.

Chair opened the 2017-18 Parking Garage/Parking Lot License renewal hearing. Rossi motioned to approve all renewal licenses. Bongiovanni second. Vote Unanimous.

Chair opened the 2017-18 Old Gold/Pawnbroker License renewal hearing. Rossi motioned to approve all renewal licenses. McAteer second. Vote Unanimous.

Chair opened the public hearing regarding the Communication from Chelsea Law Department as to the New Rule: Progressive Discipline-Rule 2.19. City Solicitor is proposing to the Licensing Commission to use Progressive Discipline to use as a guide to determine the appropriate discipline on licensing cases. The Law Dept. suggested to use a Docket Sheet similar to what ABCC uses to keep track of any public hearings or discipline the commission has granted, in re occurring cases such as Las Palmas which have been before the board numerous of times. Chair mentions she does not want the commission to have a limit to a 1-3 Days discipline as the first offense. Many public hearings are different, and depending on the cases the discipline may be greater than the other. Rossi questioned the City Solicitor if the licensing commission may issue fines. City Solicitor gave an example how Tobacco Licenses may be given 21D violations and the licensing administrator checks with the City Treasury if any money is owed before issuing the renewal. The licensing commission's rules and regulations do not mention any fines.

Chair would like the progressive discipline to be more delineated in the fine area. First to fourth offense should state the license may be suspended and/or revoke up to certain amount of days or months and have a fine. Similar to a criminal case in court. Rossi agreed and liked the idea. City Solicitor will draft a new progressive discipline to propose to the licensing commission.

City Solicitor mentions that the Chair is concerned on last minute continuances. City Solicitor suggested that all requests for continuances may be in writing no later than a week before the scheduled public hearing and to state in the hearing notice. Also, on the hearing notice, Chair wanted to make note to anybody attending the public hearing, they must bring a translator.

Meeting adjourned at 7:52 p.m. motioned by Rossi. Second by Bongiovanni. Vote Unanimous.

Adoption Date: 6/27/17



Silvia Guzman, Chair



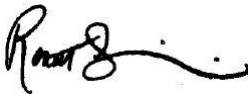
Mark Rossi, Vice Chair



James Guido, Member



Michael McAteer, Director ISD



Roseanne Bongiovanni, Member