

Minutes of the June 27, 2017 meeting of the City of Chelsea Licensing Commission.

Meeting opened at 6:08 p.m. by Chair Silvia Guzman.

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

Also present: Captain Keith Houghton, Lieutenant Edward Noseworthy and Police officer Carlos Vega on behalf of Chelsea Police Department, Municipal Hearing officer Strehon Treadway and Licensing Administrator Jenny Builes.

Vice Chair Rossi moved to adopt the minutes of the May 23, 2017 meeting. McAteer second. Vote unanimous.

Clerk's Update/New Business:

Communication from the ABCC regarding Pepper Dinning d/b/a Chili's at 1040 Revere Beach Parkway change of New Officer/Director. Rossi Motioned for a Public Hearing. McAteer Second. Vote Unanimous.

Rossi motioned all other communications to be accepted and filed. McAteer Second. Vote Unanimous.

Public Hearing: Blue Frog Sports Bar-170 Washington Ave

Chair opened the public hearing to consider an Amusement/Entertainment License to The Blue Frog Restaurant & Sports Bar d/b/a Blue Frog Sports Bar at 170 Washington Ave. Attorney Audai Cote appeared along with Danny and Dan Morales. Vice Chair Mark Rossi recused himself from this public hearing because he is running for City Council and has had dialogs with the owners of Blue Frog Sports Bar. Attorney Cote mentioned his clients are seeking an Amusement/Entertainment license. Blue Frog Sports Bar was granted an All Alcohol Beverages license, but the establishment did not submit proper documentation for an Amusement/Entertainment license at that time. Therefore the request was not advertised in the City of Chelsea newspaper. Cote submitted an abutter affidavit to the commission stating he sent notification to the listed abutters on June 20, 2017. Chair questioned Cote for Certified mail receipts and also was concerned on why the direct abutter did not appear to this meeting. Cote and his clients are requesting six T.V.'s, Jukebox, radio, use of amplification and a screen for surveillance. Bongiovanni questioned if there is a site plan showing the T.V.'s Mr. Morales spoke and stated the T.V.'s are located in the same areas as the establishment before. Chair was concerned on the use of amplification and whether the noise may cause a disturbance in the street. Chair does not agree to have a use of amplification for entertainment. Cote and Mr. Morales explains that the use of amplification is a part of the sound equipment that is existing in the establishment and they have no intentions to maximize the volume to cause a distraction. Guido suggested the rest of the commission to give them a chance and if establishment cause a disturbance the commission may revoke or suspend the license. Guido motioned to approve the Amusement/Entertainment license. McAteer Second. Bongiovanni-yes. Chair Silvia opposed.

Vice Chair Rossi returned to the Licensing meeting at 6:40 p.m.

Public Hearing: Bar La Cueva-802 Broadway

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, Chelsea MA. Attorney John L. Dodge appeared along with Manuel Aguilar, owner of the establishment and Cheryl Graham, manager of this establishment. Attorney Dodge proposed to ask Lt. Noseworthy questions prior to viewing the surveillance video. Guido motioned to approve attorney Dodge's request. McAteer Second. Chair, Vice Chair and Bongiovanni opposed. Chair delayed the public hearing after agenda item number seven.

Conference: Fine Mart-260 Broadway

Chair opened the conference for Fine Mart at 260 Broadway Chelsea, MA regarding the police report of public intoxication. Minh Vo Hoa appeared as owner of Fine Mart. Captain Houghton spoke regarding how the complaint was introduced in the Downtown Task Force weekly meetings. A gentleman was arrested on the side of Fine Mart for public intoxication. Mr. Hao spoke and loves the idea of a Downtown Task Force. He says he tries to beg and try remove the public intoxicated people every chance he gets. Since the Task Force was generated he noticed less people around the area. Vice chair Rossi questions Mr. Hao if he has a surveillance system and how long of a time span he keeps for records. Mr. Hao answered that he does have a surveillance system and keeps seven days' worth of video. Vice chair consulted Mr. Hao that thirty days is the requirement and Mr. Hao agreed. Vice chair Rossi motioned to accept and file the conference. Guido second. Vote Unanimous.

Public Hearing: Bar La Cueva-802 Broadway (continued)

Chair reopened 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, Chelsea MA. Attorney John L. Dodge mentioned that the introductory statements on the video are allegations of persons intoxicated and exiting the bar, to stipulate this report. Lieutenant Noseworthy clarified to the commission that he was not present on certain dates. He was however, watching from the video surveillance live on most occasions or reviewed any live video the following day. Lt. Noseworthy read the introductory statement to the Licensing Commission and the member of the public. Attorney Dodge asks to stipulate what's on the stated report and to have the opportunity to ask questions afterwards. (At this moment in the meeting Officer Carlos Vega plays the commission, Lt. Noseworthy's video report on a projector.) Attorney Dodge mentions it would be helpful to stop and ask Lt. Noseworthy questions during the video. Chair suggested the commission to watch the whole video first and ask any questions afterwards. At 7:45 p.m. commission member James Guido dismissed himself from the meeting. Attorney Dodge mentions that the commissioners' comments are public record. Vice Chair Rossi clarifies for the record Attorney Dodge seen him gesture to the text on Lt. Noseworthy's report in conjunction with the video. He further stated Chairman Silvia asked whether the entrance door is open in one of the video clips and he responded that he did not believe the door was open. The video report at this moment was not functioning properly. Lt. Noseworthy's copy of the video was then paused at 8:08 p.m. Attorney Dodge stated that all he has seen on this video was scenario #15 on the police report. Chair suggested to use Attorney Dodge's CD to continue the video surveillance. Officer Vega resumed the video surveillance using Attorney Dodge's copy (CD) on scenario #15 at 56 minutes.

The commission was able to conclude the end of the video, until the last event item #18 in corresponding to the police report. Seems that Attorney John Dodge's video was complete including all eighteen (18) incidents. Lt. Noseworthy spoke and read scenario fifteen (#15) on his report to the members of the public, describing that on February 14, 2017 he and Detective D'Alba responded to Bar La Cueva for a licensing inspection. During the inspection Noseworthy asks Aguilar what his operating hours were and if had any receipts or invoices from a distributor. Lt. Noseworthy testified that in response to his question, Aguilar told him that he always gets alcohol from Horizon and Burke Distributor and he does not have receipts at that moment, and his operating hours were 8 a.m. to 1 a.m. Monday through Saturday and 11 a.m. to 1 a.m. on Sunday. Noseworthy further reads the conclusion on his report to the members of the public. On Lt. Noseworthy's report the conclusion is scenario nineteen (#19) and on the copy provided to the commission the conclusion was stated on scenario eighteen (#18). Chair opened the public speaking portion. No one spoke, public portion was then closed.

Attorney Dodge questioned Lt. Noseworthy if he watched the video surveillance, what he would describe Mr. Aguilar carrying inside the establishment through the back and how many cases he watched Mr. Aguilar carry. Lt. Noseworthy stated he seen Mr. Aguilar transport several boxes from his car to the rear of the establishment on many occasions, which appear to be cases of beer. Attorney Dodge further questions Lt. Noseworthy if he might have mistaken those cases of beer, for cases of water bottles and also questioned about the patrons urinating outside of the establishment. Lt. Noseworthy states that he viewed the recordings what it appears to be, two male parties on the side of the building. The recording vividly showed one male was urinating against the fence of a neighbor the other on his phone. Another male was shown leaving the premises staggering then urinating in front of the establishment for two minutes.

Attorney Dodge further questioned Lt. Noseworthy regarding an altercation between male parties in front of the establishment and three female parties leaving the establishment after closing hours. It appeared on the recordings that a few male parties were verbally arguing with each other, escalating into a confrontation. Dodge questioned whether the three female parties were employees and not customers leaving the establishment at 1:55 a.m. Lt. Noseworthy clarified that the female parties were leaving the establishment long after closing time. Dodge confirms with Lt. Noseworthy on the discussion between him and Mr. Aguilar regarding small orders of alcohol made and having problems ordering large quantities due to their credit history and funding. Dodge clarified with Lt. Noseworthy that, other than this report he is not aware of any other illegal activity at Bar La Cueva. Captain Houghton was questioned, and clarified since 2016 he has received one complaint from a neighbor, which led into this investigation.

Attorney Dodge presented the commission four documentations. One was a letter dated June 21, 2017 from AB InBev stating that Bar La Cueva is in good standing and do not have any current invoices past due. A letter from Horizon Beverage Company dated June 7, 2017 stating the account is paid in full. An email was presented stating Bar La Cueva has been an open account since 4/24/2017. Lastly, a hand written letter from Burke Distributing Corporation stating Bar La Cueva has been a great account, dated June 6, 2017.

Attorney Dodge spoke on behalf of Mr. Aguilar and manager Ms. Graham. Mr. Aguilar purchased the building ten years ago and became owner of Bar La Cueva six (6) months ago. Mr. Aguilar has struggled for the past few years on how to run a business and he believes Mr. Aguilar has learn his lesson and will

cooperate with the commission. Chair clarified the commission that Bar La Cueva was closed for some time for non-renewal and not because of any incident. Manager Cheryl Graham has been the manager for this location before Bar La Cueva when it was known as The Chelsea Tap for nine years. She was also the manager at the French Club.

Bongiovanni spoke and questioned Mr. Aguilar and Ms. Graham what their popular beer at this establishment is and to describe the color of the packaging. She also questioned the operating hours. Mr. Aguilar and Ms. Graham stated that Corona is their popular beer and the color of the packing is white and a dark color. They believe the operating hours were 11 a.m. to 1 a.m. Aguilar mentioned that some of the cases shown in the video may have been fruit purchased at Restaurant Depot. Rossi and Bongiovanni clarified that they are in violation of the licensing commission rules and regulations to be open after the closing hours. Rossi and McAteer agreed that this establishment is making bad decisions during desperate times.

Rossi motioned to suspend the liquor license of Bar La Cueva for 14 days and believes this suspension is appropriate. He advised Mr. Aguilar and Ms. Graham to find a solution involving their poor management and believes that the financial issues they are having is because of miss management. He also advises them to follow the City of Chelsea Licensing rules and regulations, and also obey Massachusetts State laws. Attorney Dodge requests the 14 days suspension to be non-consecutive.

Rossi motioned to suspend the liquor license of Bar La Cueva for 14 days, non-consecutive, effective 7/11/2017 through 7/17/2017 then to resume on 7/25/2017 through 7/31/2017. Bongiovanni Second. McAteer-yes. Chair Silvia opposed.

Bar La Cueva's fourteen day suspension was served on a consecutive basis, starting July 11, 2017 through July 25, 2017.

Chair Silvia opened the public hearing to consider 2017-2018 Hackney Driver License renewals and Taxi Cab Stands/Carriages Licenses renewals. Captain Houghton spoke and has denied a few Hackney Driver renewals as per their driving records. Rossi motioned to approve all Hackney Driver renewals that the Chelsea Police has approved also, approve all Taxi Cab Stand/Carriages renewal applications. McAteer Second. Vote unanimous.

Meeting adjourned at 10:02 p.m.



Silvia Guzman, Chair



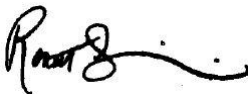
Mark Rossi, Vice Chair



James Guido, Member



Michael McAteer, Director ISD



Roseanne Bongiovanni, Member