

Minutes of the December 6, 2018 meeting of the City of Chelsea Licensing Commission.

Location: Chelsea Public Library 569 Broadway Chelsea, MA 02150

Meeting opened at 6:10 p.m. by Mark Rossi (Chair)

Commission members present: Michael McAteer (McAteer), Vice Chair Jim Guido (Guido) and Mark Rossi (Chair)

Also present: Captain Keith Houghton, Officer Nicole McLaughlin and Officer Santiago on behalf of Chelsea Police Dept., Strephon Treadway on behalf of Chelsea Law Dept. and Licensing Administrator Jenny Builes.

Chair Rossi announced to the public that this meeting will be voice recorded.

Guido moved to adopt the minutes of the November 1, 2018 meeting. McAteer seconded. Chair Rossi-yes; Vote Unanimous.

Clerk's Update/New Business:

Licensing Administrator read all communications to the commission and public. McAteer motioned to schedule a conference with Bachata Rosa and schedule public hearings with the rest of the licensees in connecting to the communications. Guido-seconded and Chair Rossi-yes. Vote unanimous.

Public Hearing: New Bridge Café at 650 Washington Avenue

Chair Rossi opened the public hearing to New Bridge Café to consider a change of manager application. Attorney David M. Mindlin of 800 Broadway Chelsea, MA appeared along with proposed manager John Madracchia of 328 Essex St. Salem, MA. Captain Houghton had no issues. Chair Rossi opened the public speaking portion. No one spoke, therefore the public speaking portion was closed. Attorney Mindlin spoke to seek a change of manager. Mandracchia was the manager at the Nashua location and has many years of experience with this family owned establishment. The current manager is seeking retirement to which led them to hire John as the new manager. Guido motioned to approve the application. McAteer seconded. Chair Rossi-yes. Vote unanimous.

Public Hearing: Adda Coach Inc. at 113 Congress Ave

Chair Rossi opened the public hearing to consider a New Livery/Fleet license to Adda Coach Inc. at 113 Congress Ave. Ben Belaichouche appeared as the owner of the company. Captain Houghton mentioned that the traffic division will review his application along with his driving record. Mr. Belaichouche mentions that his driving record is good and has not had any incidents. Chair Rossi opened the public speaking portion. No one spoke, therefore the public speaking portion was then closed. Guido motioned to approve the application, subject to approval from Chelsea Police. McAteer seconded. Chair Rossi-yes; Vote unanimous.

Public Hearing: Ciao Market 212 Broadway

Chair Rossi opened the public hearing to consider a change of hour's application and amusement/entertainment application for Ciao Market at 212 Broadway. Edson Coimbra appeared as the owner of the establishment and is seeking to extend the closing hours from 10 p.m. to 11 p.m. and have an amusement license for DJ, Live Band and TV's. Captain Houghton has no issues but hopes the

volume of the music is low. Guido motioned to approve the applications. McAteer seconded. Chair Rossi-yes; Vote unanimous.

Conference: Samir, Inc. at 178 Washington Ave

Chair Rossi opened the conference to Samir, Inc. d/b/a Tedeschi Foodshops relative as to the status of the package store- wine and malt license. Nabil and Kirsche Safwan appeared as the owner of the license and is seeking to extend the ownership of the license until he finds a new location or to sell the license. 7-11 sold the building therefore he was forced to close. He asks for a year to be closed. Although this matter is not a public hearing Chair Rossi opened this conference to any public speakers. No one spoke therefore the public speaking was closed. Guido motioned to continue this conference in six months and in three months have the licensee submit a status report to the commission. McAteer seconded. Chair Rossi-yes; Vote unanimous.

Public Hearing: Latinos Flacons at 158 Broadway

Chair Rossi opened the public hearing to consider a transfer of license, Change of Owner interest and change of manager to Moe's Brothers d/b/a Latinos Falcons 158 Broadway. Attorney Ali Manigat of 111 Everett Ave Suite 1E Chelsea, MA appeared along with Nelson and Nelson Roberto Molina of 51 Marlboro Street Chelsea, MA. Captain Houghton is concerned with this establishment. There has been an incident last year where Mr. Molina did not allow police officers into the establishment. Mr. Molina explained that there was a miscommunication with his security and Chelsea Police. Chair Rossi opened the public speaking portion. No one spoke, therefore the public speaking portion was closed. Guido asked Captain Houghton if there are any other issues. Officer Santiago testifies that there are parking issues and from 10 p.m. to 11 p.m. there are gentleman smoking cigarettes, arguing and fighting each other outside. Mr. Molina states that in most cases people come in intoxicated from other areas and when they try to enter the establishment his security refuses entry. They are really strict on who they let in and have a dress code. If a situation does get out of hand he calls police. Officer Santiago states that they have received a couple of calls but not from the establishment themselves in the last three months. Guido motioned to approve the application with the opening hours be 11 a.m. everyday. McAteer seconded. Chair Rossi-yes; Vote unanimous.

Public Hearing: Shop N' Go 354 Washington Ave

Chair Rossi opened the public hearing to consider revoking, suspending or modifying the wine and malt license of Sar Brothers d/b/a Shop N' Go at 354 Washington Ave for failure to use the wine and malt license number 00075-PK-0202. Attorney Jeffrey Rosario Turco of 378 Broadway and Muhammad Saleem owner of the establishment. Attorney Turco states that his client had initially a beer and wine license then additionally was approved for an all alcoholic license which he is currently using. A year and a half ago the beer and wine license was to be transferred to a new establishment but was rejected by the commission. Mr. Saleem's realtor Mr. Khan is working on finding a new location for the second license, to which they prefer not to disclose the address. Mr. Turco asks the commission for a continuance for a couple of months. Chair Rossi opened the public speaking portion. No one spoke, therefore the public speaking portion was closed. Chair Rossi motioned for a continuance for 30 days. Guido seconded. McAteer-No. 2-1 Motion passes.

Public Hearing: Rincon Latinos at 373 Washington Ave

Chair Rossi opened the public hearing to consider revoking, suspending or modifying the Restaurant-All Alcoholic Beverages License of Pineda Restaurant Corporation at 373 Washington Ave relative to the Chelsea Police Reports #18-1923-OF, #18-3243-OF and violating City of Chelsea Licensing Commission Rules and Regulations Section 2.04 (h) Admissions to the Premises-Exceeding Occupancy, Section 2.02

Availability of Rules and Regulations and Section 2.08 (b) Alcoholic Beverage Sales and Laws-Failure to maintain a schedule of the prices charged for all drinks. Attorney John L. Dodge of 100 Everett Ave Chelsea, MA appeared with Orlando Pineda the owner of the establishment. Officer Nicole McLaughlin spoke regarding the compliance check on October 26, 2018. They visited eight establishments that day one being this establishment. The establishment did not have the 138-34D poster present for public view, did not have the drink price list available, no copy of the rules and regulations available, the employees have not read the rules and regulations and no list of all employees. The occupancy allowed 17 persons and there were minimally 42 persons in the establishment. Attorney Dodge explains that Mr. Pineda will have to add a second bathroom and make it handicapped to increase the occupancy. Chair Rossi states for the record, that the proposal from the license holder is to have more time to install a handicap bathroom to then qualify for an increase to the occupancy. Director from Inspectional Services Department has been working with the establishment since July and the licensee has now presented to the commission blueprints for the changes. Guido motioned to continue to the next scheduled meeting with the understanding that if they violate the regulations on occupancy there will be a revocation. This motion was not seconded, therefore the motion fails. McAteer motioned to revoke the license. The motioned was not seconded, therefore the motion fails. Captain Houghton spoke about how the occupancy issue will be a fire hazard and the fire department may shut them down. Chair Rossi motioned to suspend the license for eight days and bring the matter back to next meeting to determine any revocation or suspensions. The days of suspension will take effect on December 15-16, 22-23, 29-30 2018 and January 5-6, 2019. McAteer seconded. Guido-No; 2-1 motion passes.

Public Hearing: Fine Mart LLC at 260 Broadway

Chair Rossi opened the continued public hearing to consider revoking, suspending or modifying the Package Store-All Alcoholic Beverages License of Fine Mart LLC at 260-266 Broadway relative to the Chelsea Police report #18-953-AR and violating City of Chelsea Licensing Commission Rules and Regulations Section 2.14 Injuries to Persons at the Premises. Attorney Brian McNelis appeared with Diep Vo and Minh Vo the owners of Fine Mart at 260-266 Broadway. Captain Houghton has reviewed the video but the Detective that has the video was not able to attend the meeting today. The video is available to view if the commission would like to view it for any accuracy of the police officers testimony. McNelis stipulates on what is on the police report. Chair Rossi opened the public speaking portion. No one spoke, therefore the public speaking portion was closed. Attorney McNelis mentions that the individual was fired and the owners have re-trained the employees. This individual has agreed to take anger management classes. McAteer motioned to continue the hearing. Guido seconded. Chair Rossi-yes. Vote unanimous.

2019 Liquor License Renewals and New Year's Eve:

Guido motioned to renew the licenses. McAteer seconded. Chair Rossi-yes. Vote unanimous. McAteer motioned to allow Section 12 establishments to 2:00 a.m. on New Year's Eve. Chair Rossi seconded. Guido-yes. Vote unanimous.

2019 Amusement/Entertainment License Renewals:

Guido motioned to approve the license renewals upon full compliance. McAteer seconded. Chair Rossi-yes. Vote unanimous.

2019 Rooming House License Renewals:

Guido motioned to approve the license renewals upon full compliance. McAteer seconded. Chair Rossi-yes. Vote unanimous.

2019 Class 1, 2 and 3 License Renewals:

Guido motioned to approve the license renewals upon full compliance by the end of the year. McAteer seconded. Chair Rossi-yes. Vote unanimous.

Attorney Strephon Treadway asked the commission if they are for or opposed to waiving the license fee for Amusement/Entertainment license only for club establishments. There is a lower fee in place for clubs for liquor licenses. The commission is not opposed to waiving the fee.

Update on ABCC:

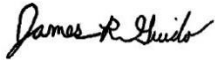
The ABCC had a hearing on 12/6/18 regarding the nip ban the licensee and the City had eight witnesses totaling of sixteen witnesses. The ABCC requires a pre-joint memorandum to be filed five days in advance. The City made an argument that the ABCC does not have jurisdiction of the licensing commission rules and regulations. They do have jurisdiction on suspending or revoking licenses. The ABCC was interested on what the City has to argue and would like the City to file a motion to dismiss. The stay on the 100ml is still on.

Guido motioned to adjourn at 7:27 p.m. Chair Rossi seconded. McAteer-yes.

Adoption Date: 1/17/2019



Mark Rossi, Chairman



James Guido, Vice Chair



Michael McAteer, Director of Inspectional Services