

## **Minutes of the September 25, 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 James Guido (Vice Chair)

Commission members present: Michael McAteer (McAteer), Vice Chair Jim Guido (Guido), Roseann Bongiovanni (Bongiovanni) and Jazmin Valentin (Valentin). Absent: Mark Rossi (Chair)

Also present: Officers Nicole McLaughlin, Jason Farden, Ryan Ostler, Augustus Cassucci, Jaime Robles, Detective Carlos Vega and Captain Keith Houghton on behalf of Chelsea PD, Strephon Treadway on behalf of Chelsea Law Dept. and Licensing Administrator Jenny Builes.

McAteer moved to adopt the minutes of the August 28, 2018 meeting. Bongiovanni seconded. Valentin-yes and Guido-yes. Vote Unanimous.

### **Clerk's Update/New Business:**

Licensing Admin read all communications to the commission and to all members of the public.

Bongiovanni motioned to schedule a public hearing for Fine Mart 260-266 Broadway regarding the Chelsea Police Incident Report #18-953-AR. McAteer seconded; Valentin-yes and Guido-yes. Vote Unanimous.

Public speakers: Councilor Roy Avellaneda of 122 Bellingham Street spoke in favor to keep the ban of 100ml in effect until the ABCC makes the decision. Strephon Treadway on behalf of the Law department reminds the commission that in February of 2017 the commission voted to change the regulations to allow stays when requested at the commission's discretion. Captain Houghton also spoke in favor to keep the ban in effect.

Bongiovanni moved to keep the ban of 100ml in effect until the ABCC makes the appropriate decision and deny the request for a stay. McAteer seconded. Guido-no; Valentin-yes; Bongiovanni-yes and McAteer-yes. 3-1 motion passes.

**Marijuana Presentation:** Marijuana Presentation was continued to the October 4, 2018 special meeting.

### **Public Hearing: Marko Popovic d/b/a Big Shot- Livery License Application**

Vice Chair Guido opened the public hearing to consider a Livery License application to Marko Popovic d/b/a Big Shot at 165 Cottage Street in Chelsea, MA. Marko Popovic appeared as the owner of the company he is requesting a livery license to operate in Chelsea. His vehicle is owned by him, his address in Chelsea is a home office and is not allowing customers to visit the premises. He has been in the livery business for three years with his mother in law and the last seven months by himself. Popovic will be the only driver and has an assigned parking spot at 165 Cottage Street. McAteer mentions that zoning requires him to have additional parking spots for a commercial vehicle. Captain Houghton mentions that Mr. Popovic's background record is clean and he has actually had a hit and run twice and his driving record is clean.

Ms. Marino of 165 Cottage Street #209 spoke and mentioned the rules and regulations of the condo association. Mr. Popovic was advised by the commission that he should be aware of the condo

association's rules and regulations. Bongiovanni moved to approve the application. Guido seconded. Valentin-yes; McAteer-yes. All in favor.

**Public Hearing: Zavala Corp. d/b/a Bella Villa at 13-17 Fifth Street**

Vice Chair Guido opened the continued public hearing as to the status of the All Alcoholic beverage license of Bella Villa at 13-17 Fifth Street. Attorney John L. Dodge of 100 Everett Ave Suite 2 in Chelsea appeared along with Ever Zavala owner of the establishment. He presented an agreement with Antonio Lama to sell the license. He is represented by Attorney Jeffery Turco out of 378 Broadway in Chelsea. Dodge anticipates attorney Turco and Mr. Lama file the application for a transfer to be heard at the next hearing. The closing would be at the time of the approval. Dodge mentions that Mr. Lama plans on transferring the license from Fifth Street to 5-11 Everett Ave. He provided attorney Turco with all of the information of Zavala Corp. Attorney Treadway mentions that it is not unusual for a transfer of license. There have been potential buyers for this license however, it was the matter of the price. McAteer motioned to continue the hearing for another month to have Mr. Lama have the opportunity to apply for the license. Guido seconded. Valentin-yes; and Bongiovanni-yes. All in favor.

**Public Hearing: Sabor Especial Foods, Inc. 390 Beacham Street**

Vice Chair Guido opened the public hearing to consider a Wine and Malt Beverage license and an Amusement/Entertainment license to Sabor Especial Foods, Inc. Victoriano Portillo and his daughter appeared on behalf of the establishment. Guido continued the public hearing for the Wine and Malt beverages until a license is available to apply for and the licensing department will notify the applicant. They are asking for a radio and T.V.'s for the entertainment license. Guido motioned to approve the amusement/entertainment license for a radio and up to three T.V.'s. Bongiovanni seconded. Valentin-yes and McAteer- yes. All in favor.

**Public Hearing: Emiliana Fiesta, LLC at 35 Fourth Street**

Vice Chair Guido opened the continued public hearing to consider a Wine and Malt beverages license, Common victualer and an Amusement/entertainment license to Emiliana Fiesta LLC at 35 Fourth Street. Attorney John Connell along with Vladimir Aquino and Madelyn Aquino. The commissions concerns from last meeting was that the applicant was seeking a liquor license and proposing a 500 seat function hall which could turn into a nightclub, parking concerns and Chelsea Police also had concerns. The commission recommended to come back with a scaled down proposal and they also recommended to apply for a one day liquor license application. Attorney Connell mentions that the applicant referred to 500 people because the occupancy states 541 which was issued by the building department. The concept at this establishment is a local function hall for weddings, graduations, birthdays, sweet sixteen and not intended to be a nightclub. McAteer mentions that the law states they cannot lower the occupancy load if there is a liquor license. The building has a sprinkler. They realize that parking is only on the street but Mr. Aquino had a brother who has a parking lot at 139 Winnisimmet Street and has 30 spaces. They are willing to have free valet to accommodate they guest and will hire police details. Captain Houghton mentions that his other establishment is fine and has parking in the back. He believes that the birthday parties are going to be a nightmare. He believes that this building is a brick fortress and cannot see inside clearly. He recommends a floor plan or safety plan for the police to have. The applicants are proposing to change the windows and door in front of the establishment to crystal glass clear so you would be able to see inside from the street. Mr. Aquino would like to downsize the occupancy to 400 people. Connell proposes for the applicant to only use the first floor for functions and not the basement floor. Mr. Aquino agrees to only use the first floor for functions and the basement floor is only to be used for kitchen, food prep and storage, and also agrees to have 30 day video surveillance and change the windows and doors in front of the establishment. Vice Chair Guido opened

the public speaking portion. Roman Pavlo member of the PAV club post 13 in Chelsea spoke and he is familiar with the property and he would like to know when last month's meeting and this meeting's minutes are available. Guido recommended visiting City Hall to request the minutes that are approved. Paul V. of 324 Broadway #9 spoke and has watched CPD clean up Broadway for the past five years and he believes this establishment will end up as a nightclub. Licensing administrator read a communication from the Law Office of Jeffrey Rosario Turco regarding Mr. Gerald Sneirson owner of several abutting properties respectfully requests the application be denied. Public speaking portion was then closed. Attorney Connell hopes to start slow and prove themselves to be an asset to the community. Bongiovanni moves to approve the license for the first floor, provided they install cameras inside the building, in each entrance on each floor of the facility and coordinate with the Chelsea Police as to the specs of the video recording for 30 days. They must also improve the door and windows of the entrance to clear glass. Guido added first floor to be used for functions, maximum 250 people, basement to be used for kitchen, food prep and storage and hours will be Monday-Thursday 11am to 10pm and Friday and Saturday 11am to 12midnight and Sunday 11am to 11pm. Amusement to be for radio, T.V. live band only to be used with the function, DJ, use of amplification, dancing by entertainers, dancing by patrons and light show. Additionally, if there is a function for more than 100 people and there is one day liquor license approved, the establishment is required to hire a police detail. McAteer second. Guido-no; McAteer-yes; Bongiovanni-yes and Valentin-yes. 3-1 motion passes.

#### **Public Hearing: La Esquina Mariachi at 170 Washington Ave**

Vice Chair Guido opened the public hearing to consider an all kinds of alcoholic beverages and common victualer license to La Esquina Mariachi at 170 Washington Ave. Guido motions all three applicants to be notified when a license becomes available and be placed back on the agenda when the time comes. Valentin seconded. McAteer-yes and Bongiovanni-yes. Attorney Ali Manigat and Elcide Perez appeared to represent the establishment. They are requesting a CV license for a restaurant, the hours requested are 8am to 1am, seven days a week. The applicant is requesting the same concept as the other restaurant he owns at 49 Everett Ave. Mr. Perez would like breakfast and dinner to be served. He mentions that he stops serving food at 12 midnight at the other location. Captain Houghton spoke on how infamous this location is to the city and he had an issue at the other location about the seating occupancy back in December of last year. The only issue he had with Blue Frog was the tinted windows which they removed, but would like the new owners to keep it clear so that CPD would be able to see inside. Captain Houghton mentions that the owner cooperates all of the time. Vice Chair Guido opened the public speaking portion. No one spoke, therefore the public speaking portion was closed. Guido motioned to approve the CV license from 8am to 11pm. Bongiovanni seconded. Valentin-yes and McAteer-yes. Vote Unanimous.

#### **Public Hearing: Ciao Market of 212 Broadway**

Vice Chair Guido opened the public hearing to consider a change of hour's application for Ciao Market at 212 Broadway. Edson Coimbra appeared as the owner of the establishment and he is requesting a change of hours to Sunday and Monday closed, Tuesday-Saturday 4pm to 10pm. He is reducing the hours. The original hours were from 7am to 10pm. Guido opened the public speaking portion. No one spoke, therefore the public speaking portion was then closed. Guido motioned to approve the application. McAteer seconded. Valentin-yes and Bongiovanni-yes. Vote Unanimous.

#### **Public Hearing: Ventura Taxi, Inc. 19 Fourth Street**

Vice Chair Guido opened the public hearing regarding Chelsea Police Incident report #18-2368-OF. Attorney John Dodge appeared along with Jose and Jose Jr. Ventura, the owners of Ventura Taxi. Officer Jaime Robles received a call at approximately 2:30 am on Saturday August 4 regarding taxi driver who

was intoxicated. When he arrived the vehicle was on top of the sidewalk, then he put the gear into park and tried to wake her up. When the medics arrived she admitted she was drinking. He noticed two consumed bottles of margarita, one was in use and two distilled bottles of Listerine. Officer Robles did not place her under arrest because this was more of a medical aid issue.

Attorney Dodge spoke and mentions that she no longer works for the company after this incident. She started on August 1, had a hackney driver license, issued by the city of Chelsea and she worked the overnight shift. Mr. Ventura Jr. mentions that he was the dispatcher that night and she sounded normal on the phone. Guido motions to file this incident report and to notify the trafficking division to conduct periotic checks on Ventura Taxi. McAteer second. Valentin-yes and Bongiovanni-yes. Bongiovanni would like the company to physically have a check-in on their drivers during their shifts.

#### **Public Hearing: Heller's Liquor Mart at 429 Broadway**

Vice Chair Guido opened the public hearing regarding the Chelsea Police incident report #18-2565. Bongiovanni recused herself from this public hearing. Chelsea police received a call from a witness that they believed they observed an intoxicated male after having a conversation with other individuals, walking to Heller's Liquor Mart and purchase alcohol. They further walked to Bellingham Sq. this incident happened in July. Houghton sent an investigator to try and pull the video, which later found out the video was not working properly. Houghton testifies in defense that Heller's called him while he was away and left a voice mail stating that they had a glitch in the video system. CPD has City cameras around Chelsea walk and a front view of Heller's. Detective Vega mentions that this incident occurred on July 23 around 5:10 p.m. He was able to see through the city camera three people that were involved, only two people went inside the liquor store. The third party proceeded to follow them. Detective Vega does not know what happened inside of the establishment because the establishment's video system was not working. Each party left the establishment one at a time, then separated and maybe went walking down to Fifth Street. Vice Chair Guido opened the public speaking portion. No one spoke, therefore the public speaking portion was then closed. McAteer is concerned that the licensees camera system is not working in which they agreed to have a 30 day video surveillance as their approval of license. Mr. Patel is the owner of the establishment and was represented by his attorney. They admitted that the life span of the video surveillance was for four days and have owned the establishment since 2016. This would be their first incident. Guido motions to place this incident on file and have Chelsea Police conduct periotic checks of video, since there is no evidence that they sold alcohol to an intoxicated person. Officer Farden testifies that he asked the clerk for the video recording that night at least a half hour after the incident and the clerk told him that he did not know how to operate the equipment and would have the manager provide the video the next day. Officer Farden further testified that he wrote a note with the date and times that Captain Houghton would need from the video surveillance. On July 27 Detective Vega attempted to retrieve the video from July 23 but their system stated that there was no file. McAteer motioned to suspend the license for one day for not having an operable camera system. This motioned was not seconded, therefore the motion failed. The counselor would like seven days to purchase a fully functioning 30 day video surveillance system. Guido motions if the video system is not working seven days from this meeting, they will receive a one day suspension. Valentin seconded. McAteer- yes. Motion passes.

#### **Public Hearing: Chelsea Liquor Mart at 180-182 Broadway**

Vice Chair Guido opened the public hearing regarding the Chelsea Police Reports #18-1988-OF and #18-2227-OF. Officer Ostler was the reporting officer for #18-2227. He and Officer Farden was on foot patrol on Monday July 23 at 9:35 p.m. around the Bellingham Square area. As they were walking onto Second Street, they seen one of the problem individual alcoholic male, which he is on the "Do Not Sell to" list. They did not see him coming out of Chelsea Liquor Mart, but was walking from the direction of Chelsea

Liquor Mart. The individual was holding a black bag consistent to what Chelsea Liquor Mart sells their alcohol in. The individual had a strong odor of alcohol with glassy bloodshot eyes and was unsteady on his feet and the officers determined that he was heavily intoxicated. The Officers looked inside the bag and found three 25 ounce, single cans of Natural Ice. The officers asked the individual to bring them to the location where he had purchased the beer, and he brought them to the licensed premises. Once at the store, the officers asked who had sold the beer to the individual. A clerk, Yaggesh Likhar, said that he had and provided identification with an Indian passport. The officers reminded the employees present that they could not sell alcohol to intoxicated people. The officers pointed out that the individual in question was among the alcohol-dependent people to whom the Police Department had requested that store owners not provide alcohol. Mr. Likhar told the officers that he did not believe the individual was intoxicated. However, when the officers brought the individual back into the store, Mr. Likhar admitted that the individual was drunk and told the officers he would not provide that individual with alcohol again. At the request of the officers, the licensee provided a receipt of the transaction that showed that it occurred at 9:28 p.m. about seven minutes before the officers encountered the intoxicated individual. The Officers asked for video footage which they could not produce then asked the clerk to submit the video footage to Captain Houghton within 24 hours. This individual left in the care of his friend.

Bijal Patel appeared as the owner of the establishment. He recently purchased the licensed establishment. He was not initially aware of the Do Not sell to list that the police department had requested the licenses not to provide alcohol to. He plans to have a TV screen to show the faces of the individuals to not sell alcohol to. He has since re-trained his employees regarding the Licensee's responsibility to not provide alcohol to intoxicated people.

Bongiovanni moved to suspend the license for two (2) days on 10/5/18 and 10/6/18. Guido amended the motion for a one (1) day suspension to be served Friday 10/5/18. McAteer seconded. Valentin-yes; Bongiovanni-yes; McAteer-yes and Guido-yes. All in favor.

#### **Public Hearing: Fine Mart at 260-266 Broadway**

Vice Chair Guido opened the public hearing regarding the Chelsea Police Report #18-2020-OF. The owner Minh Vo appeared on behalf of the establishment. Officer Farden testified that on July 5, 2018 at 8:45 in the morning on his way to work, he observed a male individual walking out of Fine Mart 260 Broadway. The individual opened up a can of beer and started drinking it. After parking his personal vehicle, he went back to the location and observed the individual was still there drinking in front of the establishment. Officer Farden testified that it only took him ten minutes to come back the location. Afterwards he identified the individual and notified Mr. Vo and explained what had just happened outside. Afterwards, Officer Farden asked Mr. Vo for the video surveillance and to send the video to Captain Houghton within 24 hours for July 5, 2018 from 8:30 am to 9 am. Officer Farden and Captain Houghton did not receive the video. This individual was not listed under the "Do Not sell to List". Mr. Vo spoke and this caught him by surprise, he is aware of the incident and admitted to Officer Farden that he sold to the individual but he was not drunk. He sent his representatives to participate in the Alcohol training. Guido motioned to accept and file this public hearing. No action took place.

#### **Public Hearing: Rancho Las Pupusas at 36 Second Street**

Vice Chair Guido opened the public hearing relative to the Chelsea Police Report #18-2123-OF. Attorney Christopher Lawrence and owner Gustavo Serna appeared before the commission. Captain Houghton spoke to the officers they responded on July 21, 2018 at 1 a.m. for an individual that may have been intoxicated, but needed medical attention. After reviewing the audio and speaking to

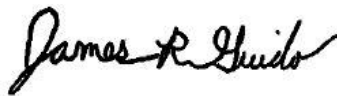
the officer, it was Gustavo himself that called 911. The report says the individually might have been over served, but he spoke to the reporting officer and he could not testify if this person was over served or had a medical situation. The officer did not ask for a video. Mr. Gustavo Serna served him two beers and food, then he collapsed. Guido motioned to be placed on file.

**Public Hearing: Rincon Latinos at 373 Washington Ave**

Vice Chair Guido opened the public hearing regarding Rincon Latinos at 373 Washington Ave. The reporting Officer Augustus Cassucci testifies and on Friday 6/22/18 at approximately at 11:05 p.m. while responding to work he was passing 373 Washington Ave (Rincon Restaurant) and had to stop for approximately 10 patrons to cross the street. One male patron was carrying a case of Corona bottles. On Saturday 6/23/18 between the hours of 6p.m. and 7p.m. he witnessed two customers purchase a case of beer each and a bag of ice and bring them into the restaurant. There also appeared to be more than 17 people inside and also witnessed people come in and out of the establishment to smoke or leave. Officer Cassucci also adds that he has seen, in multiple occasions people urinating outside on the sidewalk. They also close the curtains, the CPD cannot see inside. Captain Houghton testifies that the occupancy is 17 and also presented still pictures of inside and outside of the establishment. Attorney John Dodge appeared along with Orlando Pineda and Walter Guzman. Dodge mentions that he did not receive this video or pictures and he would like to continue this hearing. Mr. Pineda did not know about the accusation until he received the notice. Mr. Guzman spoke that people buy beers next door. They purchase roughly 55 cases of corona every month and will provide receipts. They also have a working ice machine in the establishment. Dodge also mentions that there is a door to apartments of about 12 inches away from the establishment. He thinks the Officer saw patrons going up to the apartments next door. Bongiovanni motioned to continue this meeting and that the establishment provide video to the CPD from 9/13-9/16/18 and 9/20-9/23/18 from 6:00 p.m. to 11:00p.m. Dodge asked for any evidence that the CPD might have and exchange any evidence he might have. Valentin- seconded; McAteer-yes and Guido- no. 3-1 motion passed.

Vice Chair Guido motioned to adjourn. McAteer seconded; Bongiovanni-yes and Valentin-yes. Meeting adjourned at 9:42 p.m.

**Adoption Date: 11/1/2018**



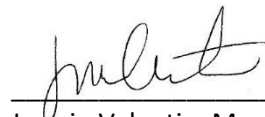
James Guido, Vice Chair



Michael McAteer, Member



Roseann Bongiovanni, Member



Jazmin Valentin, Member



Mark Rossi, Chair