

Minutes of the August 28, 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: Mark Rossi (Chair), Michael McAteer (McAteer), Vice Chair Jim Guido (Guido) and Roseann Bongiovanni (Bongiovanni)

Also present: Officers Jason Farden, Officer Mark Tiernan O'Connor and Capt. Keith Houghton, on behalf of Chelsea PD, Strephon Treadway on behalf of Chelsea Law Dept. and Licensing Administrator Jenny Builes.

Guido moved to adopt the minutes of the June 26, 2018 meeting. McAteer second. Bongiovanni -yes. Chair Rossi- yes.

Clerk's Update/New Business:

Licensing Admin read all communications to the commission and to all members of the public. Bongiovanni moved all Chelsea Police Incident reports to public hearings for next month's meeting. McAteer second. Guido-yes; Chair Rossi-yes.

Marijuana Presentation: Marijuana Presentation was continued to the September 25, 2018 meeting.

Public Hearing: To consider the banning the sale of liquor bottles containing up to (250mil) and single cans/bottle malt beverages by Section 15 licensed establishments in the City of Chelsea.

Chair Rossi opened the public hearing to consider the banning the sale of liquor bottles containing up to (250mil) and single cans/bottle malt beverages by Section 15 licensed establishments in the City of Chelsea.

Captain Houghton spoke and mentioned that each liquor store was notified to attend the training and all liquor stores attended. The training was informative but he is for the ban. Officer Farden spoke and mentioned that in the Downtown area he has noticed a big difference. The trash on Division and Cherry Street has reduced. Individuals lingering in the Chelsea Square area has decreased and in the Bellingham area is still having issues but, it has decreased. Officer Farden stated that he has made inspections in the liquor stores in the downtown area and they have voluntarily removed Rubel vodka and replaced with cigarettes. He has not checked the liquor stores in Prattville and Central Ave. Captain Houghton mentioned that during the training a great informative that might help the downtown area is that the liquor stores were taught that Massachusetts only accepts six forms of identification to serve liquor regardless of the age. It does not matter if you're attending a Red Sox game, Massachusetts only accepts a Mass I.D., MA liquor license, MA driver's license, Passport of every country, Military I.D. and Passport I.D. Those are the only six Massachusetts accepts, they do not accept another state I.D. or other countries licenses. He recommends the board to mandate them to ask for these I.D.'s and mentions that the individuals causing the problem do not have an identification. Officer Farden has had cases where the individuals have been buying the pint and sharing it, usually he sees this situation under the bridge.

Bongiovanni raised a question on what would happen to illegal immigrants that do not have a MASS I.D. to buy liquor. Houghton commented that it should only be at certain locations. He recommends the commission to add a sanction to only the establishments giving the City issues. Chair Rossi questioned on the amount of house parties/sales or any other non-retail that would sell liquor illegally. Captain Houghton comments that it has been an issue in the past but not recently. Bongiovanni finds it hard to believe on how there are no incidents of public drunkenness within the last few weeks. Houghton mentions that bars are also causing intoxication and unfortunately there are other ways to get alcohol. Officer Farden mentions that he has written reports regarding a third person purchases. He has warn those liquor stores.

Robert Mellion of the Massachusetts Package Store Association spoke arguing that the local licensees had undertaken all of the efforts ordered by the Licensing Commission as well as efforts of their own. They have developed a best practices manual which has been provided to the Chelsea Police Department and will be used statewide. Several licensees have joined the Chamber of Commerce. Mellion testified that all representatives of the licensees to whom he provided training passed the post-training test with seven receiving perfect scores. Twelve establishments participated in the training which totaled to twenty five members.

City Manager Tom Ambrosino testified that the recent improvement also reflects the tremendous resources the City is devoting to the problem of alcohol abuse by the individuals of concern. He further testified that in spite of all efforts these individuals are still getting alcohol from some Chelsea licensees. According to Ambrosino, the resources expended on improving the quality of Chelsea's downtown continue to be very disproportionately focused on addressing the problem of extreme public intoxication by a small number of men. The City spends about five hundred thousand dollars on contracts with these resources. He recommends the commission to ban the double nip size.

Councillor Roy Avellaneda testified that he continued to see 100 ml bottles discarded in Chelsea Square as well as Division and Cherry Streets. He testified that he is still seeing public drunkenness. Edson Coimbra testified that he sees drunk people on the street all day long. He calls the police about 10% of the time. For example on August 16, the same intoxicated person came into his restaurant three times in one day asking for money and harassing restaurant employees. He asks the City to help him and his customers and he is in favor of the ban.

Hardik Patel of Heller's Liquor Mart testified that he and other licensees are doing what they have been asked to do. They do not sell to individuals they can identify as either frequently publicly intoxicated or as those who buy for them. They are meeting with the police on a regular basis. They are working to encourage other stores to make similar efforts. According to Patel, the problems can be solved, but the licensees need more time. Patel concluded that the licensees are doing what they have been told and are willing to do more. Licensees present indicated by a show of hands that they were willing to continue to voluntarily refrain from selling containers of spirits smaller than 250 ml as well as very low priced bottles of spirits.

Rich Cuthie of Chamber of Commerce is pleased that there are new members in the Chamber. He feels that the City as a shared social problem. He is a law abiding citizen and questions on why his rights are violated. He has never tried Fire Ball and when he would like to try it, he would not buy the big bottle. Cuthie mentions that banning the nips is not the right answer. Jason Roback testified that he continues to find 100 ml bottles in his rental properties.

Vice Chair Guido comments on how he has mixed emotions on this ban. He recommends to continue the public hearing for a couple of months. Chair Rossi is also inclined to continue as well. Vice Chair Guido questions the price difference between from a Rubel or McCormick bottle to a Smirnoff. A member of one of the establishment's mentions that the difference is about five dollars and they are voluntarily not selling bottles under five dollars. Chair Rossi is inclined to take names and license holders to temporary voluntary ban the double nips.

Guido motions to lay on the table and CPD, liquor association and liquor stores to continue to make progress, implement the "Do Not Sell" list until the December meeting. This motion was not seconded, therefore the motion failed. McAteer agrees with the City Manager that the 100ml is still a nip. He agrees with the motion of Guido but also to add 100ml ban.

McAteer motioned to continue the voluntary of 250ml liquor bottles, continue the 250ml public hearing until December and motioned to ban 100ml liquor bottles. Bongiovanni seconded. Chair Rossi- yes; Guido-yes.

Guido motioned that all liquor stores are required to attend the Chelsea Police Department training as a requirement to renew the liquor license at the end of the year.

Public Hearing: Las Pupusas Del Chino at 92 Washington Ave

Chair Rossi opened the public hearing for Las Pupusas Del Chino at 92 Washington Ave relative to the Chelsea Police Reports. Attorney Lawrence Christopher of Everett Ave in Chelsea appeared along with Gustavo Serna owner and manager Roberto Ramos to represent the establishment. Attorney Christopher mentioned that he could not appear last month for this public hearing. Captain Houghton spoke and mentioned that there are two incident reports for this public hearing, the first incident is regarding a female employee who was slashed by a customer back in May. Chelsea Police had to use resource from other departments throughout the nation to track down this attacker in Maryland. The issue was that the video surveillance was not working, which is a requirement. A few days later, Officer O'Connor responded to another incident for a drunken individual. On June 1st Captain Houghton conducted a city wide inspection of all the bars to make sure video systems are working. As he enters Las Pupusas he was immediately met by a security guard who refused him entry. The video system was not working. Attorney Christopher mentioned that he was not aware of the third allegation. Chair Rossi mentioned that this public hearing is for the two incidents regarding the waitress and the intoxicated individual. Officer O'Connor spoke and mentioned that the call was about a problem with a woman. When he got there her husband was passed out asleep and could barely function. He did not receive much cooperation and was trying to figure out how long they had been at the bar. The individual tried to drive away but police made arrangements for his daughter to come and drive him home. Chair Rossi opened the public speaking portion. No one spoke, the public speaking portion was then closed. Bongiovanni asked Officer O'Connor on who made the call to which Officer O'Connor answered that the wife made the call about an order that she had placed. Bongiovanni asked if he was able to get a copy of a receipt to see what they had ordered. He did not, the call was about an order being paid or not. Ramos spoke and mentioned he heard this incident by Officer O'Connor and that Ramos was the one who made the call. He made the call because the lady was screaming at the bartender and decided to handle the situation. She was not cooperating, so he decided to call the police. The police arrived in about seven minutes. This individual was at the bar for about fifth teen minutes. The wife was throwing food around before Police came. The video system was working, but Geek Squad installed it to record for two weeks and not thirty days. The first incident they did not have video surveillance for, afterwards they installed it on May 12 to which the recording was only recording for two weeks. Ramos then personally asked Geek Squad to extend it to thirty days. Ramos does not have the receipt of the order that night

but does have a receipt from Geek Squad at the restaurant. Captain Houghton believes he does have a receipt from Geek Squad. Captain Houghton says the video surveillance would have helped by an image of the attacker on the first incident. Ramos says the intoxicated individual did not have any problems, the wife however started trouble. Attorney Christopher asks the commission to keep this matter open. Ramos says most employees are TIPs certified. Security is hired from 6-11pm and special events like soccer games. Captain Houghton comments on how some Security guards appear to look like Police Officers. Guido motioned to suspend the license for one day in abeyance for one year subject to not having any other violations. McAteer second. Chair Rossi-no; Bongiovanni-no. 2-2 Motioned does not pass.

Bongiovanni motioned to suspend the license for one day, to be served within two weeks for the failure of the video surveillance for the two separate incidents. McAteer seconded. Chair Rossi- yes and Guido-yes.

Public Hearing: Oakwood Tavern, LLC at 22 Adams Street

Chair Rossi opened the public hearing to Oakwood Tavern, LLC at 22 Adams Street to consider a Wine and Malt beverage license application. Attorney Erik Hagstrom appeared along with Taylor Choquet the owner and manager of the establishment. Captain Houghton spoke and mentions that he would like the establishment to have a thirty day video surveillance. Ms. Choquet presently is the manager at Taranta of the North End, she works for Jose Duarte who is a 50% owner of Oakwood Tavern LLC. She is bringing a Peruvian and Italian fusion concept to this project. They are asking for a twenty person occupancy for which sixteen will be patrons and four will be employees. Chair Rossi opened the public speaking portion. City Counselor Judith Garcia spoke as a former employee of Chef Duarte seeking a job as a hostess at the only Latino restaurant in the North End. She mentions that Mr. Duarte's has invited his employees to study the foods in Peru and Italy. Mr. Duarte helps local causes and is in favor for the approval of this license. City Counselor Roy Avellaneda of 122 Bellingham St. spoke and mentions that he met Jose Duarte five years ago and can attest that the interpretation that Ms. Garcia said is all true. Mr. Duarte is recognized and well known. Avellaneda has tried to have Duarte to come to Chelsea. Avellaneda believes that Chelsea is ready for an establishment like them. City Counselor Leo Robinson spoke and mentions that he has known Ms. Choquet since a little girl and seen her sell cookies. He has seen her build her skills and attend Pope John high school. He mentions that Jose Duarte has done a lot for diabetes and he shows support for them. Public speaking portion was then closed.

Chair Rossi questioned on parking to which they are proposing six spaces and a lot across the street to lease. Business hours are four to eleven. They plan to open within six to eight months. Construction needs to be done in the building. Choquet began hospitality when she was fourteen years old, she went to school at UMASS Amherst for Hospitality Management and graduated in 2014. She became the assistant manager with Jose Duarte. Afterwards Jose promoted her as general manager. She grew up on 96 Franklin Ave is very familiar with Chelsea. Mr. Duarte spoke and mentions that the Alcohol license is crucial to opening the restaurant and he has been trying to open a restaurant in Chelsea for 10 years. Various reasons on why were contradicted to opening a restaurant in Chelsea. The restaurant only needs a kitchen to open.

Public Hearing: Sabor Especial at 390 Beacham Street

Chair Rossi opened the public hearing for Sabor Especial Foods at 390 Beacham Street to consider a Wine and Malt Beverages license application. Chair Rossi asked for the affidavit of notifying the abutters. The owner Victoriano Portillo says he has no abutters. Chair Rossi mentions that the applicant must provide an affidavit whether or not there are abutters. This public hearing was continued to the September meeting.

Public Hearing: Emiliana Fiesta, LLC 35 Fourth Street

Chair Rossi opened the public hearing for Emiliana Fiesta LLC to consider a Wine and Malt Beverage license application at 35 Fourth Street. Attorney John L. Dodge of 111 Everett Ave Suite 2 in Chelsea appeared with Vladimir Aquino 45 Proctor in Revere as the owner of the establishment and Madelyn Rodriguez of 532 Washington ave in Revere. Mr. Aquino mentioned that Emiliana is the name of his grandmother and bought this building back in December for one million, fifty thousand dollars. He would like this to be a family business. His wife is employed and his daughter is employed. He has experience at his other business at Mi Salvador & Mexicano at 220 Broadway. He also mentions that he has housing in Chelsea. He hires local business for cakes, entertainment and more. Dodge mentions that Ms. Aquino has made an investment at the Polish American building. The capacity of this building is up to 500 people. There is three levels in this building including a couple of bars. He feels that this would be the best use of the license. Captain Houghton spoke and mentioned that there is no façade in that building and 500 people is going to be difficult to monitor. He mentioned that he was a member there and is familiar with the building. Mr. Aquino mentioned he has updated the gas lines, ventilation system, lighting system and plumbing. He plans on having the kitchen in the lower floor. Chair Rossi opened the public speaking portion. Gerry Sneirson spoke and mentioned that this was the first time hearing about this hearing. He was able to look at the application. His concerns are parking and when the PAV was there he accommodated them 6-8 spots. They only have 2-3 small events a month. This was a private social club. He feels like this will back track Broadway. He is an abutter of this location and he does not know who Mr. Aquino is. Mr. Sneirson also mentions that he is invested in Chelsea. Elise Aquino of 45 Proctor Ave spoke and mentions that she is Mr. Aquino's daughter regardless of the suspensions her father has had he has been in this business for 20 years. Rich Cuthie Chelsea Chamber of Commerce spoke and was not aware of this license application tonight. He says Mr. Aquino is invested in Chelsea as well.

Paul L. of 324 Broadway spoke and mentions that there has been occasions that he has had to call the police for the PAV parties. The public speaking portion was then closed. The use of the building is currently a function hall and at the moment it is not operating. Having a Beer and Wine license is making this establishment more marketable. Mr. Aquino is not willing to transfer the liquor license he currently has to this establishment. Captain Houghton mentions that when the PAV had one day licenses it was a nightmare. The One Day licenses can be an option for this establishment, for whenever they have events. Ms. Rodriguez mentions that they are not trying to have events every single day. Attorney Dodge would like to continue this hearing.

Guido motioned to continue this public hearing until September with a better plan on how to change the front of the building, inside the building and occupancy. Bongiovanni second. Chair Rossi-yes and McAteer-yes.

Continued Public Hearing: Oakwood Tavern LLC at 22 Adams Street

McAteer motioned to approve the Beer and Wine license. Bongiovanni seconded. Guido-yes and Chair Rossi-yes.

Public Hearing: Colwen Management, Inc.

Guido motioned to waive the reading of the public hearing notices for Colwen Management, Inc. Bongiovanni seconded. Chair Rossi-yes and McAteer-yes. Captain Houghton had no comments.

Chair Rossi opened the public speaking portion. No one spoke, therefore the public speaking was closed. Guido read all of the paperwork and feels the documents are in order. Guido motioned to approve the applications. Bongiovanni seconded. McAteer-yes and Chair Rossi-yes.

Hackney Driver Appeals:

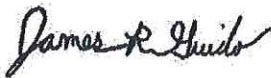
Guido motioned to waive the reading of the hearing. Bongiovanni seconded. McAteer-yes and Chair Rossi-yes. The moving parties were not present. Guido questioned on the reasons why they were denied. Ms. Flores was denied because of an incident in Tu Casa Mariachi restaurant a fight between a few females and the applicant threw two shot glasses at a waitress and hit her on the head. Gentleman taxi driver was involved in an incident waiting for a fair, waited about 15 mins and went looking for the person, then punched him in the face. There was video footage showing the victims other side of the story. Guido motioned to deny the appeals. Bongiovanni seconded. McAteer-yes and Chair Rossi-yes.

Public Hearing: Speedway LLC at 251 Everett Ave

Guido motioned to waive the reading. McAteer seconded. Bongiovanni-yes and Chair Rossi-yes. Davon Ward on behalf of Speedway LLC located at 251 Everett ave is looking to amend the Petroleum license to increase from 32,000 gallons of gasoline to 42,000 of gasoline and diesel. There are four tanks at the moment which will be replaced by three tanks one 20,000 gal of gasoline, one 12,000 gals of gasoline and one 12,000 gals diesel which will have a leak monitor. They are not adding more dispensers they're replacing them with new ones. They are not proposing high speed diesel which you may see on the highways or truck stops. It is not going to welcome tractor trailer trucks. They would like to replace the tanks with fiber glass tanks. The project will take ten weeks, which the station will be shut down the entire time. Guido motioned to approve. Bongiovanni seconded. McAteer-yes and Chair Rossi-yes.

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

Adoption Date: 9/25/2018



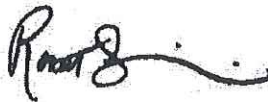
James Guido, Vice Chair



Jazmin Valentin, Member



Michael McAteer, Director ISD



Roseann Bongiovanni, Member