

Minutes of the February 27, 2019 meeting of the Chelsea Licensing Commission.

Location: Chelsea City Hall Council Chambers, 500 Broadway, Chelsea, MA

Meeting opened at 6:00 p.m. by Chairperson Mark Rossi.

Commission members present: Michel McAteer, Vice Chairperson Jim Guido, Roseann Bongiovanni (appeared at 6:02).

Also present: City Solicitor Cheryl Watson Fisher, Nancy Slater, Captain Keith Houghton, and other members of the Chelsea Police Department

Chairperson Rossi asked for a motion to accept the minutes of the January 17, 2019, Guido so moved, seconded and voted to accept unanimously.

Clerk's Update/New Business -- Chairperson Rossi read each communication as follows:

1. Appeal of Elhabib Elachqe regarding his denial of his Hackney Application by the Chelsea Police Department. Mr. Elachqe was present and stated that he did not understand his denial as he had just renewed his Boston Hackney License and showed a copy of the license. Sgt. Noftle, on behalf of CPD, gave a lengthy list of driving violations dating back to 1999 and outlined that the most recent police reports are due to infractions at Chelsea Market Basket. CPD mentioned that Mr. Elachqe may be a victim of harassment and there is a Clerk Magistrate Hearing scheduled. Vice Chairperson Guido questioned Mr. Elachqe regarding practices in Chelsea. Clerk mentioned based on the police reports: that Market Basket is a Taxi Stand and he violated the taxi stand regulation and the City's Hackney regulations. Guido motioned to continue the matter until after the court hearing, McAteer seconded and vote was unanimous. Clerk asked for clarification whether Mr. Elachqe may drive taxi in Chelsea and Chair said that since the matter is on hold, Mr. Elachqe has no rights to operate in Chelsea until after pending appeal is settled.
2. Communication from CPD regarding Fine Mart, 260 Broadway, regarding sale of alcohol to a minor. Captain Houghton spoke briefly as to what was in the Police Report and that the establishment also did not provide video tape. Guido moved to send the communication to Public Hearing, Bongiovanni seconded. Vote: Unanimous.
3. Communication from ABCC approving Change of Beneficial Interest, Change of Transfer of Stock or Issuance of Stock, Change of Manager, Moe Brothers/Latinos Falcons, 158 Broadway, Rossi moved to accept and file, McAteer seconded. Vote: Unanimous.
4. Communication from Attorney John Larson Dodge. Withdrawal of ABCC Appeal, Pineda Restaurant, 373 Washington Avenue. Commission accepted and filed the communication.
5. Communication from CPD regarding Pineda Restaurant, 373 Washington Avenue whereby alcohol was open and cold to the touch during service of the suspension in January. Captain Houghton spoke on the reports and the violations. Attorney Dodge

spoke on behalf of the owners and stipulated to the facts in the police report, the owners informed the Commission that the two beers were theirs while others were painting. The Commission and CPD instructed the owners that all stock should be removed from the premises and/or locked; and that no alcohol could be consumed and/or open during suspension.

Attorney Dodge stated that he wanted the application for an alteration of premises to be heard. Clerk said that it was continued. Chair chose to hear the matter since Attorney Dodge said he informed the abutters and it was noticed. Public hearing began and the Licensees submitted a copy of the floor plan proposed. Captain Houghton expressed his frustrations at the number of times the licensees have been brought before the Commission with little or no repercussions. After much discussion the following suspension of operations was agreed to with the owners, their attorney and the Commission. The establishment will remain closed for renovations beginning at 12:01 a.m. Monday March 4 thru 10:59 p.m. Sunday March 10, 2019; 12:01 a.m. Friday March 15 thru 10:59 p.m. Sunday March 17; and 5 additional days one month from the completion of the alteration of premises. Motion made to accept this agreement, seconded and voted unanimously. The Parties understood that the agreed upon discipline was now an accumulation of the current imposed discipline in January 2019 and discipline for the police report discussed this evening. Licensee was told to submit abutter's notification affidavit and return receipt cards.

6. Communication from CPD regarding Las Pupusas, 92 Washington Avenue, violations of Amusement/Entertainment and All-Alcohol Licenses. Captain Houghton spoke about the inappropriate dancing and karaoke. Captain Houghton also spoke about the license and determined that the Margarita Malt Liquor was not in violation of their license. Commission moved the violation of the Amusement License to Public Hearing, seconded and voted unanimously.
7. Communication regarding complaint received against Blue Taxi. City Solicitor Fisher spoke about complaint received by a customer whereby she was charged an additional fee for the for bridge and that a Blue Taxi representative was disrespectful to customer. Referred back to CPD to notify Blue Taxi of complaint. Guido motioned to accept and file, seconded and voted unanimously.
8. Communication from CPD regarding Wings El Corral, 408 Broadway, reports of overcrowding, dancing, intoxicated persons and expressing not wanting CPD inside of their establishment any more. Commission moved to Public Hearing, seconded and voted unanimously.

At this time the Commission asked to be provided history of complaints against Wings El Corral, Chelsea Walk Pub and Pineda Restaurant.

9. Conference on Bachata Rosa, 13-15 Fifth Street, reports of Wage Theft. Ms. Mora and Mr. Lara updated Commission that there are no further accusations; this matter was resolved by the Attorney General's Office last year. Commission moved to accept and file.

10. Chelsea Walk Pub has been postponed due to health issues/doctors order of their attorney. Commission moved to Public Hearing on April 4, 2019.

Election of Officers – Guido nominated Mark Rossi to continue as Chairperson, moved, seconded and voted unanimously. Rossi nominated Jim Guido to continue as Vice Chairperson, seconded and voted unanimously. City Solicitor Fisher announced to the Board that Gladys Vega has been appointed to the Commission and will receive her appointment letter shortly.

Next meeting is Thursday, March 7, 2019 at 6 p.m. in the City Council Conference Room. The meeting closed at approximately 7:10 p.m.