

Minutes of the October 3, 2019 Meeting of the Chelsea Licensing Commission

Chairman Rossi called the meeting to order at 6:06 p.m.

Present were Chair Rossi, Commissioners McAteer, Bongiovanni and Assistant City Solicitor Treadway; absent was Commissioner Guido and Commissioner Vega.

Minutes of the September 26, 2019 meeting motioned to be accepted by McAteer, seconded by Rossi and voted unanimously.

City Solicitor Fisher provided Clerk's updates on communications which resulted in the following:

- a. Letter to Section 12 Licensees as to Training on October 28, 2019 – Rossi moved to approve the letter to be placed on letterhead and McAteer seconded and it was approved unanimously.
- b. Chelsea Day
- c. Update on Vaping Ban in Chelsea
- d. Communication from Attorney John L. Dodge, re: settlement of El Corral/Wings appeal to ABCC and response from Chelsea Law Department - Present were Attorney Dodge and his clients. He gave a brief review of what occurred. Solicitor Fisher provided the Law Department's recommendation that only the liquor license discipline be settled. Rossi moved to enter Executive Session to discuss possible settlement of pending litigation at 6:18 which was seconded by Bongiovanni and adopted unanimously. (See Executive Session minutes.) McAteer moved to get out of executive session and seconded by Rossi. Rossi opened up the meeting again at 6:20. Rossi moved to accept the offer that both the entertainment and liquor licenses shall be operate from 11:00 a.m to 11:00 p.m. but the discipline stays in the record which was seconded and approved unanimously.
- e. Update on Renewal Season

Chair moved out of order for the interest of time Agenda items #5 and #6.

The Chair opened the Public Hearing for Ciao! Artisanal Pasta LLC d/b/a Ciao! Market, 212 Broadway, to consider an application for a change in Manager, change of d/b/a, and change of hours and change of corporation ownership. Chair Rossi read the notification of the public hearing and opened the public speaking portion. Present were Edson Coimba and Marvin Posado. Mr. Posado stated that he will be the sole owner of the new The Pasta Box and will operate Monday through Friday 11:00 am to 11:00 p.m. Saturday 12 p.m. to 11:00 p.m. and Sunday 12 noon to 9:00 p.m. CPD said that Mr. Pasado's CORI came back fine. Chair opened the public speaking portion no one spoke and then Chair closed the public speaking. McAteer moved to approve the transfer of the license, seconded by Bongiovanni. The vote was unanimous to approve the license transfer.

Chair opened the Public Hearing for Las Pupusas De Chino Restaurant Inc, 92 Washington Street, Chelsea to consider an application to extend hours of Entertainment. Gustava Serna, Gilberto Ramos and Nery Rodriguez all represented the Licensee. CPD stated there were no issues with the establishment since the rollback of entertainment hours. McAteer questioned why the Manager of record was not present Ms. Lopez. Mr. Serna stated that she is his wife and the others stated she works day shifts. The Chair opened the public speaking and no one spoke so Chair closed public speaking. Rossi again inquired as to where was the Manager and McAteer was not comfortable extending hours without her present. Ramos mentioned he manages the night shift and both restaurants and all staff were tip certified and changes were made to be in compliance. Bongiovanni inquired as to the changes and Ramos stated that staff were laid off and the cameras were changed. CPD did state a new camera system was installed but it needs to save for longer than 15 days. Rossi mentioned we need the manager which will help us better know that the Licensee is aware of accountability. McAteer stated he believes the manager should be present at the hearing. McAteer moved to continue the hearing to hear from the Manager and Bongiovanni seconded and it was unanimously continued to next month.

Chair opened the Public Hearing for Tu Casa Restaurant, 403 Broadway, to consider an application for an Amendment to the current Entertainment license to include comedy, Live Shows and Magic Show. Present were Attorney Silvia Guzman, Carlos Alvarado and the request was to add comedy as a form of entertainment. Chair opened the public speaking portion and no one spoke the chair then closed the public speaking portion.

Chair then opened the continued Public Hearing – Tu Casa Restaurant, 403 Broadway, to consider suspension and/or revocation of license due to violation of #2.08(p) per Chelsea Police Report #19-818-OF and Communication from Attorney Silvia Guzman as to Tu Casa. Present were Officer Farden, Captain Houghton, Attorney Guzman, the night manager, and Carlos Alvarado. Attorney Guzman premised the hearing that the only issue alleged is “overserving” and has in her communication limited to several sections of the video. Officer Farden then stated he trimmed the video to show the “intoxicated” man at two other establishments prior to entering Tu Casa. Commission watched the video. After the video, Attorney Guzman stated there was no point where the waitress “knowingly” over served and that the man said he was not feeling good and they took him home. Bongiovanni was wondering why they didn’t call the police as opposed to dropping him off. Farden then played a video of him trying to purchase more alcohol where he was clearly intoxicated. Owner stated that the ServSafe informed them to call an Uber for the intoxicated person. Chair opened public speaking and John Gunning of Beacon Street spoke and found it hard to know whether the waitress had knowledge of intoxication. No other persons spoke so Chair closed public speaking portion. Captain Houghton said waitress tapped or moved his arm/shoulder a bit and at that point knew he was intoxicated or should have known but still left alcohol on the table. Rossi stated that he observed in the video what appeared to be violations, and believed that some form of punishment was warranted and given the representations made on the record that licensee had taken steps to avoid making the same errors in judgment and the lack of past disciplinary actions against the licensee, Rossi then moved that the suspension be held in abeyance for 60 days. He felt Tu Casa made a bad choice by dropping off an individual clearly in

distress and leaving alcohol on the table after knowing the individual was in distress and that something less than a suspension was warranted. Bongiovanni states that the video showed he didn't appear too drunk and got hammered fast and what Tu Casa did afterwards was problematic. McAteer feels there should be a stern warning or a small suspension for what they did afterwards. Rossi moved to grant a one day suspension but hold it in abeyance for 60 days. Bongiovanni seconded it and the vote was unanimous. McAteer moved to allow the Comedy shows and seconded by Rossi and the vote was unanimous.

*Paul Rossi*

*James R. Guido*

*Stacy Vega*

*Ronan J.*

*Michael McAteer*