

Minutes of the June 6, 2019 Meeting of the Chelsea Licensing Commission

Chairman Rossi called the meeting to order at 6:02 p.m.

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

Minutes of the May 2, 2019 meeting motioned to be accepted by McAteer, seconded by Vega and voted unanimously.

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

Communication from Commissioner Vega asking for a list of names and addresses of private clubs in Chelsea. This list was provided and there are reports of these establishments in violation of M.G.L. c138(2), selling alcohol without a license. The Commissioners discussed possible remedies and directing the Licensing Administrator to meet with these clubs and/or to have the Commissioners discuss/review the clubs' policies and practices on an annual basis

Communication from Attorney John Dodge requesting consideration of Decision #2019-08 and the roll-back of hours of Amusement/Entertainment License of Las Pupusa Del Chino, 92 Washington Avenue. Attorney Dodge presented his statement that owner Gustavo Serna has addressed the lighting concerns, terminated waitresses involved in over-serving, Mr. Serna cooperates with Chelsea Police, and would like the rollback to reflect the same hours as the alcohol license. Motion was made to move to public hearing but Commissioner McAteer expressed that the establishment has not proven to him they deserve this consideration so soon and suggested it wait until the next meeting. The Commissioners stated that this was procedural and would not act tonight. Chairperson Rossi tabled to accept and file communication.

Communication from Attorney John Dodge notifying the Commission that Moe Brothers LLC d/b/a Latinos Falcons, 158 Broadway, has appealed the Commission's Decision #2019-09 to the ABCC.

Communication from Attorney John Dodge requesting reconsideration of the Commission's Decision #2019-09, imposed discipline for Moe Brothers LLC d/b/a Latinos Falcons, 158 Broadway.

Late Communication from Attorney John Dodge withdrawing both the request for reconsideration on Decision #2019-09 and appeal to the ABCC for Moe Brothers LLC d/b/a Latinos Falcons, 158 Broadway. This was a business decision and will continue to serve their suspension until July 12, 2019 and use the time closed to perform maintenance and alterations (i.e. painting, etc.).

Approval of Upcoming License Renewals needs to be reviewed:

Taxi Cab Companies reviewed;

C & M Taxi's license motioned by Rossi, seconded by McAteer and voted unanimously.

Ventura Taxi, Blue Taxi and City Taxi are not in compliance with zoning and storing of their vehicles. In order to allow them to continue to operate during the investigatory and zoning process, McAteer motioned that the City issue four (4) month temporary licenses, expiring October 31, 2019, for the interim pending compliance with all other requirements, seconded by Bongiovanni and voted unanimously.

Taxi/Hackney Drivers reviewed;

Motion by Rossi to apply same procedure as above imposed for Taxi Cab Companies, McAteer seconded and voted unanimously.

Tobacco Licenses;

List of compliant license holders reviewed; motion by Rossi to approve those who have complied with renewal process, seconded by Bongiovanni and voted unanimously.

For those who have not complied with renewal process, a motion was made by Rossi to give administrative approval to the Licensing Administrator to approve on an individual basis if compliance was met, seconded by McAteer, vote Rossi-yes, McAteer-yes, Bongiovanni-no, Vega-no, motion failed.

Public Hearing for Fiesta Shows - approval of an Amusement & Entertainment License for a four day carnival at Chelsea Commons. Chair Rossi read the notification of the public hearing and opened the public speaking portion. John Flynn of Fiesta Shows was present. There have been no problems with their Chelsea prior functions. Commissioner Vega recused herself. Property owners requested they return as their May event was hampered by bad weather. Captain Houghton stated no problems associated with Fiesta. Hours of operation were questioned and Mr. Flynn would like 11 p.m. closure if approved. The music would be shut down by 10 p.m. Public speaking portion closed. Bongiovanni motioned to approve Amusement & Entertainment License for Parkside Commons, July 18-21, 2019, Thursday/Friday 5 – 11 p.m., Sat/Sun 1 – 11 p.m., seconded by McAteer, voted Rossi-yes, McAteer-yes, Bongiovanni-yes, Vega-recused, motion passed.

Public Hearing for Palmer Food & Fuel d/b/a EZ Mart, 177 Washington Avenue – Transfer of Retail Package/Wines & Malts License and Transfer of Location. Chair Rossi read the notification of the public hearing and opened the public speaking portion. Clerk reported that this matter was to be heard last month but abutters were not notified and zoning documents were needed as well as CORI approvals. Public speaking portion closed. Commissioners asked questions about purchase and sale price, beer and wine storage, whether employees were TIP certified, square footage of premises and storage space, whether they would sell individual portions or only six packs, how many employees do they have. When asked about hours, Commissioner Rossi asked why 6 a.m. – 10 p.m. was needed. When asked about limited storage, managers replied that they would get more frequent deliveries from distributor, perhaps 2-3 times per week and had a walk-in cooler for storage. Rossi inclined to give them a shot; Captain Houghton requested that no signs be posted on front windows and to limit signage.

Bongiovanni requested that no individual cans of beer be sold and suggested the sale of alcohol hours be limited to 11 a.m. – 10 p.m. Rossi motioned to approve with no signage, no selling of single malts, subject to CORI approval, seconded by Bongiovanni and voted unanimously.

Public Hearing for Signature Breads, 100 Justin Drive – Application for a Petroleum Storage License. Chair Rossi read the notification of the public hearing and opened the public speaking portion. Reported that this storage tank will be used for the backup generator. Public speaking portion closed. Commissioner Bongiovanni asked about flooding problems and it was reported that they have never had an issue. Rossi motioned to approve license, seconded by McAteer and voted unanimously.

Public Hearing for Colwen Management, Inc., d/b/a/ Residence Inn by Marriott-Chelsea/Boston, 200 Maple Street – Application for Alteration of Premises. Chair Rossi read the notification of the public hearing and opened the public speaking portion. Attorney Jon Arieta for Colwen spoke about the remodeling, minor tweaks to the common space. Public speaking portion closed. Commissioner McAteer spoke about the remodeling and addition of rooms; sharing restaurant space; and they have received Zoning approval. McAteer motioned to approve application, seconded by Vega, voted and passed unanimously.

Public Hearing for Tu Casa Restaurant, Inc., 403-405 Broadway – Suspension or Revocation hearing AND Public Hearing for Application for Amendment to Amusement/Entertainment License, moved to be heard together. Chair Rossi read the notifications of the public hearings and opened the public speaking portion. Appearing for and with Carlos Alvarado was Attorney Sylvia Guzman. Admits that dancing does take place and hence why application for amended license has been submitted. As to CPD Report #19-818-OF, Captain Houghton spoke regarding the “supposed” intoxicated patron and the fact that medical attention should have been sought by calling 911. He spoke about the pickup truck that took the individual from the scene and dropped him off further down Broadway where he is accused of public urination. Attorney Guzman spoke about the video which will be shown showing that the individual that based on what was shown on the video from Tu Casa, individual was not staggering, does not appear intoxicated, had one beer and several sips of second beer, proceeds to restroom and returns to table before collapsing suggesting that individual may have ingested something while in the restroom. Attorney Guzman does admit that Tu Casa should have called 911. Public speaking portion closed. The parties spoke about tabling to next meeting to be able to view the City View cameras to track individual movements up and down Broadway that lead up to the incident at Tu Casa. Commissioner McAteer, feels only appropriate that in order to render a fair decision and feel comfortable with their decision, moved to table is a good idea. Commissioner Rossi wants to see all videos and all agreed. Captain Houghton feels EMS should have been called. Attorney Guzman offered to provide a complete synopsis of what the videos show. The Commissioners moved to table for consideration until next meeting, Rossi-agreed, McAteer-agreed, Bongiovanni – agreed, Vega-agreed. Motion to view complete videos moved by Rossi, seconded by Bongiovanni and voted unanimously. Commissioners considered motion to amend Amusement/Entertainment License to include dancing by patrons, with input by Captain Houghton opposed; problems with security; message being sent across the city of no nightclubs

and the use of Tu Casa's second floor as a nightclub for functions and events makes it basically a function hall. Commissioner Rossi is conflicted, suggest tabling to next meeting; Officer Santiago reports no problems at location; Commissioner Bongiovanni reserved opinion but yes, no nightclubs allowed; Commissioner Rossi spoke to all the facts. Motion was made to approve amendment to Amusement/Entertainment License to include dancing by patrons for a probationary period of six (6) months, amending approval thru current license duration expiring December 31, 2019; McAteer seconded and voted unanimously.

Public Hearing for Sabor Especial Foods II, 390 Beacham Street – Suspension/Revocation of Amusement/Entertainment License. Chair Rossi read the notification of the public hearing and opened the public speaking portion. Mr. Portillo and his attorney were present. Attorney presented opening statement stating that Mr. Portillo had let an employee use the facilities for a birthday party, didn't know they would be serving alcohol, he arrived on scene after being called by his wife and stated it won't happen again. Captain Houghton spoke of what CPD found while on routine patrol. Public hearing portion closed. When questioned by Commissioners about being closed during hours when he should be open, he did not know that rule. Attorney admitted that ignorance of the law is not an excuse. This is first offense according to CPD, it was a long time employee's birthday party for her mother. Commissioner Rossi finds it troubling that there were so many violations and has concerns, disturbing that licensee was unaware of the law, and the fact that the owner was not present alarming. It is the responsibility of the owner to know what is going on at his establishment. Establishment is closed when it should be open, perhaps changing hours would be helpful. Commissioner Rossi suggested to attorney that they take a break, step outside and confer with his client and come back after next agenda item.

Public Hearing for Lama Entertainment, LLC d/b/a Populus Tapas & Bar, 5-11 Everett Avenue – violation of Sec 2.09(e) and violation of Occupancy Permit. Chair Rossi read the notification of the public hearing and opened the public speaking portion. Antonio Lama, manager, recalled the night of the event in question stating it was a special event. After 9 p.m. everyone is required to present identification to the security person on duty and must be 21+ in order to enter. The establishment filled very fast, underage people trying to get in, arguing with security, and a retaliation call was made by a patron to CPD. Windows were opened thereby creating the noise complaint and Mr. Lama admits they were over occupancy. Public speaking portion closed. Officer McLaughlin stated it was chaos, not safe to walk thru the establishment until the crowd thinned out. People were throwing their ID's out the windows to those waiting in line and noise/music could be heard from several blocks away. Commissioners agreed that the police report sounds like Mr. Lama is running a nightclub instead of a restaurant. Mr. Lama pleads mercy of the Commission and several Commissioners stated they took a leap of faith in granting this license such a short time ago. Motioned by Rossi for three (3) day suspension held in abeyance for sixty (60) days and if no problem with establishment, move on; seconded by McAteer, voted Rossi-yes, McAteer-yes, Bongiovanni-no, Vega-no, motion failed. Commissioner Bongiovanni motioned to suspend license for three (3) days to be served in the next two (2) weeks, seconded by Vega, voted unanimously. Days to be closed decided for June 27, 28 and 29 which means closed at 12:01 on the 27th thru 11:59 pm. on the 29th. Mr. Lama instructed to coordinate with CPD on closure and how to sequester/lockup alcohol.

Continuance of public hearing for Sabor Especial. Attorney asked that the operating hours be adjusted to 5 a.m. – 3 p.m., Monday – Saturday. Commission moved to change both Common Victualer and Amusement/Entertainment to reflect same hours; require Mr. Portillo to be present during operating hours; upgrade the video storage system to thirty (30) day storage within seven (7) days. Motion to move above by Rossi, seconded by Bongiovanni and voted unanimously.

Meeting adjourned – next meeting is tentatively scheduled for Thursday, August 1, 2019 at 6 p.m. in the City Council Conference Room.