

Minutes of the September 26, 2019 Meeting of the Chelsea Licensing Commission

Chairman Rossi called the meeting to order at 7:02 p.m.

Present were Commissioners McAteer, Guido, Bongiovanni and Rossi as well as Assistant City Solicitor Strehon Treadway and Captain Houghton of the Chelsea Police Department. Absent was Commissioner Vega.

McAteer made a motion to accept the Minutes of the August 1, 2019 meeting. The motion was seconded by Rossi and voted unanimously.

Treadway read from a communication from the state Lottery Commission notifying that Licensing Commission that Essex Street Market of 90 Essex St. was eligible to sell Keno to Go and providing information to object if desired.

Chairman Rossi opened the public hearing on the request of Moe Brothers d/b/a Latinos Falcons to expand their hours following the rollback imposed by the Commission on May 2, 2019. Rossi began by reading the notice requesting a change of closing time from 11 p.m. to 1 a.m. Attorney Audai Cote spoke on behalf of the licensee along with Nelson Molina Jr.. Attorney Cote apologized for the absence of Manager Nelson Molina, Sr. indicating that he was in El Salvador but would be stepping back to allow Nelson Molina, Jr. to undertake a larger role in management. Attorney Cote also said that the request for change of hour would be amended to make the change probationary and only for Friday, Saturday, and Sunday nights.

Captain Houghton spoke saying that the licensee had received a severe sanction and that the Commission had never allowed a licensee to recover rolled-back hour so quickly. He pointed to the example of Las Pupusas del Chino which has wanted to recover rolled-back hours as well. Captain Houghton did say that Nelson Molina, Jr. had been pro-active in making significant improvements to the operation and had been working with the Police Department. Houghton said that in his view it was too early to restore hours. Captain Houghton said that calls to the police had been down since the roll-back. Officer Farden added that the area was now much quieter than it had been.

Asst. City Solicitor Treadway added that Nelson Molina, Jr. had read the Commission's regulations and had come to him with questions for clarification. Houghton agreed that Nelson Molina Jr. had been working with the police on addressing the new security regulations. This licensee was the only one to attempt to comply with the new regulations. However, the standard for security background checks had not been worked out yet.

Attorney Cote said that the request to extend the hours is being made on an emergency basis. The licensee has lost significant business because they cannot stay open past 11:00. In the meantime they have used their suspension to renovate the property and establish policies and procedures to prevent sexual harassment. All servers will be TIPS certified. Cote said that the Molinas were devoted to Chelsea and that the roll-back of hours is becoming a revocation.

Chair Rossi opened the meeting to comments from the public.

Margie Martinez of West Peabody spoke in favor of the extension of hours saying that she has been to a wedding and baby shower there, and it has a family feel. She has never felt unsafe there.

Councilor Ennio Lopez spoke in favor of the extension of hours.

Geovanny Molina spoke in favor of the extension of hours, describing how the suspension and has impacted the licensee's family and pointing out that they have tried to prove themselves since then.

A family friend spoke in favor of the extension of hours describing know the Molinas though St. Rose and that their children are friends with her children. The speaker said that the Molinas are an incredible family and they help her and others.

Kimberly Martinez of Marlboro St. spoke in favor of the extension of hours saying the staff of the licensee is like a family and that they have heard and understood the Commission's message and have changed. She added that the licensee donates to community activities such as back to school day and junior basketball.

Councilor Yamir Rodriguez spoke in favor of the extension of hours pointing out that the licensee is suffering.

Nelson Molina Jr.'s mother spoke in favor of the extension of hours saying that the family of six has worked hard for 29 years and is asking for an opportunity to correct their mistake.

A neighbor and employee of the establishment spoke in favor of the extension of hours saying that the licensee had given her an opportunity to work in the restaurant as a teen and that she has never felt unsafe there.

Councilor Damali Vidot spoke in favor of the extension of hours saying that she had spoken at the original hearing against the licensee but that the penalty was disproportionate. She said that the City is changing and people are being displaced. She is concerned that licensees feel attacked by the City. She said that oversexualization is disgusting and that she does not condone the behavior that resulted in their penalty, but that since developing a relationship with the licensees she sees that they have learned.

Councilor Judith Garcia spoke in favor of the extension of hours. She said that the Molinas had served their time and that they have presented appropriate corrections. She added that the process, including interviews given to Telemundo, was humiliating.

Rossi closed the public speaking section of the hearing.

Commissioner Bongiovanni said that she had not been at the May 2 hearing and was moved by what she had heard tonight.

Commissioner Guido said that he felt that 10 weeks was a long suspension and that the licensee deserved another chance. They are unlikely to have to appear before the Commission again, and if they do a further roll-back of hours will be possible.

Chairman Rossi added that the Commission was not here to shut down businesses. He said that the Commission has stepped up over the last two years and increased accountability and transparency. He agreed that Attorney Cote's suggestion of a probationary period was a good idea.

Commissioner Guido added that he appreciated that the licensee admitted they had been wrong and had done more than they were required to do to improve.

Chairman Rossi and Attorney Cote discussed the details of the licensee's request, and Chairman Rossi made a motion to extend the licensee's hours on a 90-day probationary basis to 2:00 p.m. to 12:00 a.m. on Mondays, Tuesdays, and Wednesdays and 2:00 p.m. to 1:00 a.m. on Thursdays, Fridays, Saturdays, and Sundays. After 90-days, if there are no issues, the closing time will be 1:00 a.m. every day. Commissioner Bongiovanni seconded the motion and it was adopted unanimously.

The next meeting of the Commission will be October 3, 2019 at 6:00 pm.

The meeting adjourned at 8:00 pm