

Minutes of the August 27, 2020 meeting of the City of Chelsea Licensing Commission.

Location: Chelsea City Hall Council Conference Room 500 Broadway, Chelsea, MA. Meeting opened at 6:10 p.m. by Chairperson James Guido.

Commission members present: Chairperson James Guido, Mike McAteer, and Emily Cherniack. Vice Chair Mark Rossi arrived at 6:30 p.m. Gladys Vega absent.

Present in Council Conference Room: City Solicitor Cheryl Watson Fisher, Assistant Solicitor Strephon Treadway, Licensing Administrator Naomi Libran and Captain Keith Houghton, Officer McLaughlin, Det. Scott Conley, Officer Farden and City Councilor Roy Avellaneda.

Chair Guido asked for a motion to accept the minutes of the July 16, 2020, Cherniack motioned to adopt, McAteer seconded and vote unanimous.

Communications:

1. City Solicitor Cheryl Watson Fisher stated that ABCC Enforcement was approved and allowed overtime under the CARES Act to go with the Police Department because we are in the red zone for COVID-19, and we have a lot of family restaurants opening until 1a.m. acting like nightclubs with dancing. The ABCC recommends that the Licensing Commission use the option of rolling back hours to 11p.m. to businesses that violate the Covid-19 Governor's orders.
2. Latinos Falcon is informing the commission that they will be closed on Mondays and Tuesdays. They are not making any money. When Monday night football starts, if it does, they will open on Mondays.
3. The Board of Health is on board with COVID-19 enforcement. The Licensing Department has informed everyone about the Governor's orders and COVID-19 issues around tickets and citations. The Police Dept. and the Board of Health agents the Inspectional Services department The enforcement will begin shortly.

The hearings on the agenda were called out of order.

Agenda item #4:

Chair opened the continued public hearing for a New Wine and Malt Beverages License application (On Premise) for Sabor Especial II at 390 Beacham Street. The licensee withdrew his application due to the fact that they had no current lease and are no longer a tenant. Guido motioned to file, McAteer seconded and vote unanimous.

Agenda item #6:

Chair opened the public hearing for Three Stars MLA LLC d/b/a Michael G's Restaurant at 1066 Revere Beach Parkway-Licensee is seeking a New Wine and Malt Alcoholic Beverages (On Premise) License. Owner Michael Giannasca, spoke and expressed that his clientele is asking him for wine to compliment the food. It is a family owned and run restaurant and will increase his business. Chair asked if he wanted to serve liquor until 10 and Licensee said no because he is only open until 9 p.m. He has an employee that is TIPs certified and he will become Tips certified. Chair opened the hearing to the public and no one spoke. Guido motioned to approve the license to 10 p.m., Cherniack seconded and vote unanimous.

Agenda item #7:

Chair opened the Public Hearing for May Inc. d/b/a Mandarin Buffet at 1100 Revere Beach Parkway-Licensee is seeking an Amusement and Entertainment license. Chuhti Zhang and Dezi Zheng, manager spoke that they wanted to have two TVs in their restaurant. Chair opened the hearing for public comment no one spoke. Guido motioned to approve, McAteer seconded and vote unanimous.

Agenda item #3:

Chair opened the Continued Public Hearing for Manotas Corp. d/b/a El Carriel at 9-11 Williams Street-to consider revoking, suspending or modifying the All Alcoholic Beverages on Premises Consumption License. Attorney Jeffrey Turco and Juan Manotas, owner, were present. Officer Santiago, the reporting officer was not present, Captain Houghton summarized the officer's statement into the record. On February 16 during the afternoon a fight was reported at the bar. The bartender refused to serve an off-duty employee; a fight started; and someone was assaulted with a Yankee candle. The officers observed the victim had a laceration on the left hand. The person was arrested and charged with assault with a

dangerous weapon. Later that day, the officers issued the victim a harassment prevention order, because the person did not feel safe. Officer Santiago went to try retrieve the video, when he reviewed the video the date stamp was wrong and no one knew how to access the technology. On February 20th, Officer Santiago and Officer Rodriguez returned to retrieve the video, manager on duty was unable to provide the video. Commissioner Cherniack asked if there was any video that worked. Attorney Turco states they don't dispute the facts in terms of what happened. The employee was arrested and terminated immediately. The camera system is working now, explaining why the system could not produce the video and we acknowledge that we didn't comply with the video regulation. It was a domestic dispute. They don't dispute that this situation happened. Attorney Turco mentioned that they will be seeking a transfer the business to Doug Moran. El Carriel will be applying for a Common Victualler License and has not been opened since COVID -19 closed the business in March 2020. Guido motioned to suspend the all alcoholic beverages license for one day to be held in abeyance for 90 days and to be served in the event any further violations within 90 days. McAteer seconded, and vote unanimous.

Agenda item #8

Chair opened the Public Hearing for El Xielo Corp. d/b/a El Xielo at 425 Eastern Avenue-to consider revoking, suspending or modifying the All Alcoholic Beverages on Premises Consumption License and Amusement and Entertainment License. Johanna Giraldo, owner, Juan Giraldo and Jose Giraldo were present. On June 26, 2020, Officer Santiago warned the Licensee they were in violation of COVID-19 orders, workplace safety standards and not having an exterior camera. Captain Houghton summarized that on July 27 the Chelsea Police opened an investigation from an incident that happened on July 23. A bar patron was causing a disturbance by hitting car windows and was deemed intoxicated and arrested. Officer McLaughlin requested video footage and was provided an hour of interior footage and no exterior camera footage. The video shows 7 patrons seating and standing at one table. The arrested person is seen kissing a woman in the video while other patrons are grinding and dancing. The DJ, not wearing a facial mask, plays music with strobes and reflective lighting. Patrons are also seen on video walking without facial masks. In the video, there is no food on the tables. Juan Giraldo testified that he was present on July 23 and doesn't tolerate excessive bad behavior, and he should had done more to prevent the conduct in the video. Chair opened the public speaking and Councillor Roy Avellaneda raised his concerns

that the conduct by the Licensee has threatened the health of all Chelsea residents, Chelsea had among the worst COVID-19 infection rates in the Commonwealth. City Solicitor Cheryl Watson Fisher indicated that all licenses had been provided with the information about the Governor's and Director of Labor Standards' COVID-19 Orders. Juan Giraldo asked the commission not to judge them on a single hour. Johanna Giraldo testified that on July 4th weekend, they decided to close because of all the fireworks around the neighborhood. Johann stated that El Xielo had a full menu, and they serve food, even if the patron is not hungry. Commissioner Rossi expressed that the Licensee may have set themselves up as an example to the community and there has to be a punishment. Guido motions to roll back the hours of the Licensee's All Alcoholic Beverages License and the Amusement and Entertainment License to 11:00 p.m. all nights for ninety (90) days. Rossi seconded, and vote unanimous.

Agenda item #9

Chair opened the Public Hearing for Tu Casa Corp. d/b/a Tu Casa Restaurant at 403 Broadway-to consider revoking, suspending or modifying the All Alcoholic Beverages on Premises Consumption License and Amusement and Entertainment License. Carlos Alvarado, Manager and Norberto Alvarez were present. Captain Houghton requested video footage in response to multiple complaints of noise and overcrowding. Officer Conley presented the video provided by the Licensee. Officer Conley testified that he had previously viewed the video with the Licensee's manager. The video showed patrons dancing, leaving tables without face coverings, and not maintaining social distancing. Manager Carlos Alvarado testified that he repeatedly asked patrons to conform to COVID-19 Orders. The patrons would briefly comply, but go back to violating the regulations. The Licensee ultimately turned on the lights half an hour earlier than normal. Guido motioned to roll back the hours of the Licensee's All Alcoholic Beverages License and the Amusement and Entertainment License to 11:00 p.m. all nights for ninety (90) days. Rossi seconded, and vote unanimous.

Agenda item #10

Chair opened the Public Hearing to consider lowering the 2021 renewal fees for All Section 12 Liquor Licensees. Richard Smigielski representing the PPC Club was present and stated that the people working in the Law/Licensing department are great. He said that the PPC Club was established in 1912 and had over 400 members then; now it's about 100 members. The taxes are about 27K a year and

the back of the building was demolished and necessary but expensive. The reduction of fees of liquor licenses would help tremendously. Smigielski asked that the Amusement and Entertainment License fees should also be reduced. City Solicitor Cheryl Watson Fisher clarified that the Amusement and Entertainment License is \$150 per category and not each TV, radio, or pool table. Smigielski asked if the fees could be different for Clubs, since Clubs haven't been able to open due to COVID-19 Orders. Fisher mentioned the consideration of lowering the fees for Amusement and Entertainment License will be in next month's meeting. Councillor Roy Avellaneda expressed the City has given over one million in small business loans and determined to reduce the fees. Commissioner Rossi motioned to reduce All Section 12 Liquor Licenses for On Premise, Innholders and Club Licenses by 50 percent not to include Package Stores. Guido seconded, and vote unanimous.

Agenda item #5

Chair opened the Public Hearing for Jolo Can, LLC d/b/a Harbor House Collective at 80 Eastern Avenue-to consider a Retail, Manufacturing and Cultivation Marijuana Establishment application. Attorney Audai Cote, Richard Su, Michael Farnum, and Michael Terrizzi were present. Also in attendance was Niya Zhao, Omar Chiba and Daniel Nemeskal, residents of 165-175 Cottage Street Condos and opposing the Marijuana application. City Solicitor Cheryl Watson Fisher stated for the record, they have entered into a Host Agreement with the City of Chelsea and have received their special permit from the Zoning Board. The host agreement was the beginning of the process back in 2018. She also mentioned to the Commissioners, that the Commission has already voted on two Marijuana Licenses, which have not been issued until the establishments receive their license from the Cannabis Control Commission. Attorney Cote stated that Jolo Can is seeking three licenses, a Marijuana Retailer, a Marijuana Cultivator and a Marijuana Product Manufacturing License. Michael Farnum showed a video of the proposed layout of the inside and outside of the building with COVID-19 measures that will house the Marijuana. Commissioner Cherniack asked about hiring and diversity. Mr. Farnum explained that they have a diversity plan in place and will be hiring 51 percent of Chelsea residents as per Host Agreement. Attorney Cote stated the existing business has a good record with Chelsea employees and Jolo Can will have job fairs and have virtual interviews. At the old business, Chelsea employees are transported by van to Hyde Park. March 23, 2021 is the planned end date for construction as long as they obtain the Occupancy Permit. Mr. Farnum explained

parking issues, COVID-19 measures, and air purification throughout the presentation. Chair opened the public speaking portion of the meeting and recognized several residents in the room; Niya Zhao, UMass Professor, expressed her concerns about the odor, which will affect emotions and the air purification system will not contain the odor 100 percent. Guido mentioned that he has visited a cannabis cultivation facility and never smelled anything outside. City Solicitor Fisher read an email from Brenda Thornell; she is concerned about the impact on parking. The Petitioners explained their HVAC and air purification system. The Jolo Can retail store will open seven days a week from 9:00 a.m. to 9:00 p.m. The first 30 days of opening will be by appointment only. Customers will need to show ID when entering and exiting the retail marijuana store. Attorney Cote mentioned that there are already traffic issues due to the East Boston Bridge. Rossi motioned to approve with the first 90 days by appointment only, Cherniack seconded, and vote unanimous.

Chair closed the meeting around 8:20 p.m.

Next meeting September 17, 2020

Adopted on September 17, 2020

James R. Guido

Paul Rossi

Michael McAttee

Stephens Vega

Emily Cheung