

Minutes of the December 9, 2021 meeting of the City of Chelsea Licensing Commission.

Location: Chelsea City Hall Council Chambers Room 500 Broadway, Chelsea, MA and Facebook Live. Meeting opened at 6:05 p.m. by Chairperson Emily Cherniack.

Commission members present: Mike McAteer, Emily Cherniack, Marnie MacAlpine. Absent members: James Guido and Gladys Vega.

Also, Present in Council Chamber Room: Licensing Administrator Naomi Libran, Captain Keith Houghton, Officer Nicole McLaughlin.

On the Clerk's update:

Licensing Administrator Naomi Libran presented to the Licensing Commission the list of the 2022 Licensing Calendar meetings dates and asked for a motion to approve. However, it was moved because of no quorum.

Licensing Administrator Naomi Libran informed the Licensing Commission of the Mask Mandate issued by the Board of Health, effective on December 3, 2021. Mike Sandoval from DPW went to every business and distributed handouts and the regulations of the mask mandate. Most are complying with the mask mandate.

Emily Cherniack opened the Public Hearing to consider a Transfer of a Wine and Malt Beverages Alcohol License (Off Premise) from Prayosha Enterprises, LLC d/b/a Prattville Mart to VanSan Corporation at 383C Washington Avenue, Chelsea, MA. Present for the petitioner was Attorney Jarrett Scarpaci and proposed Manager Meenu Ghai. Attorney Scarpaci stated that Meenu will be the manager the majority of the time and is seeking the transfer. McAteer stated that he has not seen an application for an occupancy permit. Attorney Scarpaci said the company is in the process of completing the application. Cherniack opened the public speaking portion, no one spoke, and therefore, closed public speaking portion. Captain Houghton informed Scarpaci that Prattville Mart has been robbed yearly and windows need to keep clear of advertisement to deter the robberies. McAteer motioned to approve and Vega seconded and vote unanimous.

Emily Cherniack opened the Public Hearing to consider a Transfer of License, Pledge of Inventory, Pledge of Stock, and Pledge of License of an All Kinds of Alcohol License application (On Premise) from Yong Yong, Inc. to Lime Chelsea, Inc. d/b/a Lime at 73 Winnisimmet Street, Chelsea, MA. Present for the petitioner was Attorney Peter D. Pasciucco and proposed Manager Petal I Joseph-Seale. Attorney Pasciucco stated that Petal would be the manager at this new restaurant. She is very excited and it will be an international fusion Asian Mediterranean and African foods on the menu. Hoping to be open for business by either February or March of 2022. McAteer asked if Patel has any experience running a restaurant. Attorney Pasciucco stated that she does have extensive experience in front and back of the

restaurant. She was the executive sous chef for two years. From 2004 to 2008, she worked at the Park Plaza working the front of the restaurant. MacAlpine asked if she has managed purchasing and inventorying of liquor. Vega asked how many employees would be hired for the restaurant and how many will be Tip certified. Petal answered about 15 to 20 and everyone will be Tip certified. Cherniack opened the public speaking portion, no one spoke, and therefore, closed public speaking portion. Cherniack motioned to approve and McAteer seconded and vote unanimous.

Approvals of the following licenses:

Renewal of Liquor Licenses – Cherniack motioned, MacAlpine seconded and vote unanimous.

Renewal of Common Victualer Licenses – Cherniack motioned, MacAlpine seconded and vote unanimous.

Renewal of Amusement & Entertainment Licenses - Cherniack motioned, Vega seconded and vote unanimous.

Renewal of Class I, II, III Licenses - Cherniack motioned, Vega seconded and vote unanimous.

Renewal of Rooming House Licenses - Cherniack motioned, Vega seconded and vote unanimous.

Remand of Las Papusas Del Chino decision by the ABCC.

Assistant City Solicitor Strephton Treadway wanted to review the decision from the ABCC with the Licensing Commission and has a request. Treadway stated that we revoked the liquor license about 18 months ago. The basis for the revocation was three counts of over serving an intoxicated person, serving a minor, and failing to maintain 30 days of video surveillance footage. All three counts went on appeal to the ABCC; the City lost the first two counts because the City had inadequate evidence of the evidence. There was no one physically present at the establishment at the time of the violation. The third count was upheld by the ABCC. The order is to remand the City of Chelsea Licensing Commission with a recommendation of a three-day suspension. The request is that the Licensing Commission authorizes the City of Chelsea Law Department on their behalf to appeal to Superior Court the decision by the ABCC. The City believes that the ABCC has made an error of law in failing to draw an adverse inference from the failure to provide video surveillance. In the City's view should have drawn an adverse inference that the video surveillance if it has been provided would have shown what was claimed. Vega asked if this establishment has been in front of the commission. Many and multiple times they have been in front of the commission. Captain Houghton agrees with the Assistant City Solicitor and he thinks it is somewhat groundbreaking because we have one of the strictest video storage requirement and if the video was properly given to us we would have proved service and not all was given. There was a three-car accident that evolved from the establishment and thankfully, no one was seriously hurt. Captain Houghton believes we should challenge the decision. Attorney Tom Campbell representing the licensee, he stated that

Treadway and him discussed the decision and was told about the City's recommendation. Attorney Campbell mentioned that if the commission was inclined to appeal to Superior Court to allow his client to operate his establishment pending the appeal. The City of Chelsea has no objection to allow continuing to operate his establishment while the appeal is pending. From the City's perspective, this is more about making sure the City has the necessary tools to enforce the liquor laws and we are not necessarily interested in punishing the licensee. Vega stated that he is a repeat offender and is opposed to giving back the liquor license. MacAlpine stated that she passes by the establishment on a daily basis and sees intoxicated individuals outside the establishment. She is not in favor of giving back the liquor license. Vega motioned to appeal the ABCC decision and allow them to operate establishment without a liquor license. MacAlpine seconded and unanimous.

Meeting adjourned at 6:21 p.m.

Next meeting January 20, 2022

Approved on February 10, 2022

Emily Chewee

Michael McAtteen

Stacy Vega

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