

Minutes of the March 10, 2022 meeting of the City of Chelsea Licensing Commission.

Location: City Chambers, City Hall. Meeting opened at 6:00 p.m. by Chairperson Emily Cherniak.

Commission members present: Chairperson Emily Cherniack, Marnie MacAlpine, Mike McAteer. Absent member Gladys Vega.

Also Present in Council Chamber Room: City Solicitor Cheryl Fisher, Captain Keith Houghton, Officer Nicole McLaughlin, Officer J. Farden, Officer J. Barker- Santiago Councilor Robinson, Law Department clerk Pamela Johnson, and interpreter.

Clerks update: Fisher presented the outdoor seating plan for this season updating the Commission as to the Governor's orders who extended the outdoor seating program, which enables restaurants to serve alcohol outdoors. MacAlpine motioned to allow outdoor seating until December 31, McAteer seconded motion, and all approved.

Fisher then mentioned the issue that the Commission has never formally set an interest rate that pawnshops can apply and the Licensing Department recently received a complaint pertaining to the Gold Mine and alleges that this pawnshop was charging patrons 7% interest rate. McAteer motioned to move to the setting of an interest rate for pawnshops to a Public Hearing, chair seconded the motion.

Fisher then informed the Commission that the Department had issued a pilot permit to allow McDonalds of 472 Broadway to be open for deliveries only between the hours of 11:00 pm – 12:00 am only and was seeking to have this change permanent. Capt. Houghton stated that there were any complaints up to this point from abutters or residents. Chairperson motioned for the acceptance of the new hours for deliveries only to McDonalds. McAteer seconded the motion. Extended hour granted.

Fisher then mentioned issues with the Merritt Club not acting as a function hall and the most recent inspection as to videos. Captain Houghton stated that the Merritt Club had been advertising on social media, Men in Motion show and that patrons could order tickets online. Solicitor Fisher told the committee that we did not allow adult entertainment and that the Merritt Club is a club with a function hall and did not have permission to hold such entertainment. In addition, Captain Houghton also told the committee that the Merritt Club video camera has not been operating 7 days a week for 6 months, which is a violation of our rules and regulations for establishments. MacAlpine moved for a discipline for Public Hearing seconded by McAteer and all were favor.

Fisher also informed the Commission that the ABCC approved the transfer to Market Basket Liquors.

Chair opened public hearing on the GreenStar Herbal application for an Amusement & Entertainment for live music. Phil Silverman appeared and said that Rise has a piano in the establishment and they would like to add a piano to be played inside their location. No one from the public appeared. Solicitor recommended approval and Captain Houghton had no objections. Chair moved to approve pending approval. McAteer Seconded. All were in favor and the license was approved.

Chair opened the Public Hearing to consider an Amusement & Entertainment License application for Victoria's Diner at 92 Washington Avenue, and present was the owners Gustavo Serna and Maria Ramirez. Maria stated she is a new partner and is requesting a television and a radio is for the customers and staff. McAteer stated that there was a jukebox on premise and the new owner stated it was removed. She also mentioned that they gave notice to the abutters. Ms. Ramirez says that there is no serving of alcohol. Fisher reiterated that there is not dancing by patrons allowed in this establishment and nor was it requested. Captain Houghton had no comment and no one from the public spoke. Chair stated that she had no problems with this application as long as the music was minimal and not heard outside of the establishment. Chair moved to approve, MacAlpine seconded, all in favor and license was granted.

Chair opened the Public Hearing to discuss the proposed change New All Alcohol Off Premise Liquor License, for KD Corporation, d/b/a Yogi's Variety on 698 Broadway. Tom Truax , attorney for Yogi's and the owner Ashish Patel were present. Attorney Truax began by saying KB Corp has been in business in that location for over 10 years, and there have never been any incidents or complaints. He also stated that there is not another All Alcohol Licensed establishment Cary Avenue /Broadway area; they are 8/10th of a mile from Revere border and 3/10th of a mile from Casella's liquor store, and that Yogi's was right in the middle of the nearest all alcohol establishment . He also stated that Yogi's has a good clean record and runs a good clean ship. the changes made to the inside premise were, a new counter and racks behind the counter would house all the Hard Alcohol and only employees would have access to retrieve . A new set of racks down the middle of the store for the beer and wine. The City Solicitor asked if they were going to give back their Wine and Malt License back to city and the applicants stated yes. Tom stated that KB Corp would clean up the store and fully renovate. The Chair asked Captain Houghton if there were any issues with Yogi's? Captain Houghton said that Yogi's was always cooperative and complied with rule; they have been to the training the

police department held and has never had issues with them. There were no public speakers. McAteer said that prior to issuance they would have to go before the ZBA and he is not sure this is approved use so approval has to be contingent on the decision of the ZBA. McAteer motion to approve subject to zoning approval and the Chair seconded. All were in favor.

Chair opened the Public Hearing discipline for Xielo Restaurant, on 425 Eastern Avenue, for public disturbance and over serving guest. Attorney Turco and owners were present. Captain Houghton addressed the committee and stated that on October 24, 2021, there was a call from a surrounding neighbor for a disturbance involving about 30 people. When the police arrived, Officer Capistran stated he observed no fight in progress but several people outside, and so he proceeded inside. The officer informed the Manager that Xielo's was responsible for the outside of their premise as well as the inside. The officer asked the manager to come outside with him, Attorney Turco asked Houghton if the manager spoke to police, he was very cooperative and did comply? Capistran stated yes. Turco asked the officer if he witnessed the women being serve alcohol, the officer Capistran answered no. Office Farden introduced a video tape that was taken from the Premises which showed at least an hour prior to the Officer Capistran's arrival on the scene. Officer Farden pointed out that it was clear the woman was served by a waitress and that the woman needed help walking out of the establishment and was visibly intoxicated and Officer Capistran verified all of it. Fisher inquired as to the capacity of the restaurant and McAteer said 110 people, Ms. Watson suggested there were a lot more than 110 people and all who were dancing, and no food was being visibly served, Fisher asked the Owners is this a bar or a restaurant because the City does not license night clubs. Owner responded a bar and a restaurant. Chair was concerned and said someone might have gotten her drinks and agreed wait staff needed more training. MacAlpine the women were clearly intoxicated, her friend was intoxicated, all staff needs to understand they are responsible for the public's safety and asked about the docket sheet as to other violations. Turco mentioned everyone since this incident went through ServSafe training again. Fisher mentioned the violation found by the ABCC in 2020, which was a COVID policy violation, and for overserving. Chair stated that every year there is a violation, there should not be back here every year, it is not clear if someone served these women, all staff and management should have been aware. Fisher informed the licensees that they are responsible for the outside premise of their establishments and should be outside as people are leaving and move them along since it is a residential neighborhood. Turco mentioned all their people will be resubmit their training. They have enough security that it will not be a problem to have the security outside when patrons leave and that he did not see any evidence at this time that showed anyone serving her and for all we know it

could have been ginger ale in the cup she was drinking from. I assure you the owners who have been here 16 years take this very seriously and will continue to monitor their staff and security. I also want to add the police were polite, calm and courteous.

Chair, the neighborhood is changing people are going to call the police when they hear a disturbance. Houghton, controlling outside is key you have to do a better job at that. I recommend we document this as a conference. Chair asked if there was anyone from the public that would like to speak on this matter? Nicole McLaughin, stated that as a resident, a neighbor, I drive by on my way home at 12:30 most nights and I can tell you this is not a restaurant, it is a nightclub, there is always, people mulling around outside and it is loud. Fisher again mentioned that security needs to be aware that we do not have nightclubs here in Chelsea. Houghton, why would you have a DJ at a restaurant. Cheryl they have an A & E for DJ, dancing with patrons entertainment, I can understand that we allow for certain special events, like St Patrick's Day or Halloween celebration, but that is not every night.

Chair moved that we make this disciplinary hearing a conference of concern. Seconded by McAteer and all in favor.

Next meeting April 14, 2022

Approved on: April 14, 2022

Michael McAteer

Emily Chensee

N. McLaughin
