



Deborah A. Clayman
City Clerk

City of Chelsea
LICENSING COMMISSION
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There will be a meeting of the Chelsea Licensing Commission on Tuesday, February 3, 2015, at 6:00 p.m., at the Chelsea Public Library Auditorium, 569 Broadway, Chelsea, MA.

AGENDA

- 1) Minutes of Licensing Commission meeting of December 9, 2014
- 2) New Business (any new business and other items not reasonably anticipated at the time of meeting posting)
- 3) SAR Brothers Convenience Corporation
354 Washington Ave. (public hearing re transfer of package store wine/malt license)
- 4) Colwen Management, Inc., d/b/a TownePlace Suites by Marriott-Chelsea
30 Eastern Ave. (public hearing re Amusement/Entertainment License and Common Victualer License applications)
- 5) Gran Chimu, Inc., d/b/a Las Palmas Restaurant
44-48 Central Ave. (public hearing re complaint)
- 6) Edd's Autos, Inc.
48 Pearl St. (public hearing re Class II Used Car Dealer License application)
- 7) Jay Man Auto Sales, Inc.
69B Everett Ave. (public hearing re Class II Used Car Dealer License application)
- 8) Dunn Realty, LLC
d/b/a Diranian Rooming House
255 Chestnut St. (public hearing re Rooming House License application)

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February 3, 2015

Licensing Commission meeting of February 3, 2015 commenced on this date at 6:00 p.m. at the Chelsea Public Library, 569 Broadway, Chelsea, MA. Present: Chairman Silvia Guzman (arrived at 6:15 p.m.); Commissioners Joseph Cooney, Ken Umemba, Roy Avellaneda and Mark Rossi. Also present: Assistant City Solicitor Amy Lindquist and Captain Keith Houghton of the Chelsea Police Department.

In the absence of City Clerk Deborah Clayman, Commissioner Avellaneda requested Assistant City Solicitor Amy Lindquist to take the minutes of the meeting.

Minutes of the Licensing Commission meeting of December 9, 2014 were accepted and filed.

Public Hearing commenced re: Dunn Realty, LLC Rooming House License Application. James Dunn appeared on behalf of Dunn Realty, LLC and informed the Commission that he was withdrawing his Rooming House Application as he was unable to reach a deal to buy the property from Ginny Diranian.

Cooney made Motion to approve withdrawal of Rooming House Application; seconded by Umemba. On the Motion: Umemba-yes; Rossi-yes; Cooney-Yes; Avellaneda-Yes.

Public Hearing commenced re: Colwen Management, Inc., d/b/a TownePlace Suites by Marriott-Chelsea 30 Eastern Ave in connection with Amusement/Entertainment License and Common Victualer License applications. Vice Chairman Avellaneda read the public hearing notice.

Leo Xarras, General Manager and Manager Michelle Haselhun appeared on behalf Colwen Management. They presented that there would be a bar at the hotel with eight seats and one bar table; 2 televisions 1 in lobby and 1 in bar; and radio system piped in for background music. This entertainment was for the convenience of their guests and would be offered 5 p.m. to 12 a.m. 7 days a week. Cooney stated that they application before the commission did not reflect a radio and asked whether they wanted to change the application to reflect the use of a radio. The applicants stated yes and changed the application.¹ Umemba asked whether the servers would be tipped certified and the applicants answered that they would be.

No one appeared to speak during the public speaking portion of the hearing. The public speaking portion of the hearing was closed.

Cooney made Motion to approve the entertainment license allowing 2 t.v.s and piped in music; seconded by Umemba. On the Motion: Umemba-yes; Rossi-yes; Cooney-Yes; Avellaneda-Yes.

Public Hearing for Gran Chimu, Inc., d/b/a Las Palmas Restaurant 44-48 Central Ave re complaint was called. Cooney made motion to continue to end of meeting in case of late appearance by Licensee; seconded by Avellaneda. On the Motion: Umemba-yes; Rossi-yes; Cooney-Yes; Avellaneda-Yes; Guzman-Yes.

Public Hearing for Edd's Autos Sales, Inc. re Public Hearing on Class II used Car Dealer License application. Cooney made motion to wave reading and continue to end of meeting in case of late

¹ At this point Commissioner Guzman appeared at the Meeting. Commissioner Avellaneda introduced her and Chairman Guzman took over chairing the meeting.

appearance by Licensee; seconded by Avellaneda. On the Motion: Umemba-yes; Rossi-yes; Cooney-Yes; Avellaneda-Yes; Guzman-Yes.

Public Hearing commenced for Jay Man Auto Sales, on Class II used Car Dealer License application. Anthony Rossi appeared on behalf of the applicant Joao Correia, also present was prior owner Chris Serino. Attorney Rossi stated that his client will run a used car lot with six (6) cars for display and sale. Mr. Correia buys the cars at auction, he produced the license to the Commission allowing him to do so. He entered into a lease with the owner of Floramo's, that day and he will produce the license to the Commission. No repairs will be done on property he has an auto repair shop in Everett which will be completing any repairs necessary.

Prior owner Chris Serino stated that he is going to be offering continued help to the applicant to assist in the transition.

Public Comment was opened. Rick Casano of Everett, MA appeared in support of the Applicant. Mr. Casano informed the Commission that he operates several businesses in Chelsea and wanted to offer support to the applicant and inform the Commission that he found the Applicant to be a trustworthy individual. Public Comment portion of hearing was closed.

Captain Houghton stated that he is aware of no issue with the licensed premises.

Avellaneda made motion to approve application for Class II used car dealer license contingent on providing lease to Commission; seconded by Cooney. On the Motion: Umemba-yes; Rossi-yes; Cooney-Yes; Avellaneda-Yes; Guzman-Yes.

Public Hearing commenced for Gran Chimu, Inc., d/b/a Las Palmas Restaurant 44-48 Central Ave. regarding complaint. Liliana Rivera, owner of licensed establishment appeared. Guzman inquired whether she had anyone with her to interpret the proceedings, Ms. Rivera indicated that she did not but that she understood everything and that the hearing could proceed. Guzman stated that Anthony Rivera, manager of the licensed establishment was asked at the conference on this matter to attend this hearing and it was noted that he was not in attendance. Ms. Rivera informed the Commission that Anthony was in a training in NYC and couldn't attend. Guzman asked Ms. Rivera if she understood that her license could be revoked or suspended as a result of the public hearing. Ms. Rivera stated that she understood.

Anonymous letter received from a neighbor of the licensed establishment was read into the record. Author of letter was not in attendance at meeting.

Captain Houghton read police reports 140638F dated 11/2/2014 and 14-4744-OF dated 11/28/2014 into record.

Rivera stated that she had no knowledge about parking issues, she never asked security to hold spaces for her. She stated that she always took a cab to work. Rivera also informed the Commission that since she has remodeled she has put in a lot of insulation to help with the noise. She also stated that a lot of people have helped her to make the restaurant better and she is not sure what is going on with the neighbors.

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Captain Houghton informed the Commission that the police department was still observing the establishment not to be opened during the licensed hours.

Avellaneda referenced the Licensee's communications to the Commission from December 23, 2014 and December 24, 2014 requesting to change the closing times on those dated but stated that the Commission has received any other communication requesting a change in the operating hours. He also stated that the Commission had requested the Licensee to provide the new operating hours at a past meeting.

Rivera stated that she sent an email to Debbie Clayman with her requested new hours and Debbie replied all set. The Commission had no record of this communication. Avellaneda asked Rivera what she had requested her new hours to be:

Monday	2 p.m. to 1 a.m.
Tuesday	Closed
Wednesday	2 p.m. to 1 a.m.
Thursday	2 p.m. to 1 a.m.
Friday	2 p.m. to 1 a.m.
Saturday	12 p.m. to 1 a.m.
Sunday	12 p.m. to 1 a.m.

Guzman noted that the license currently indicates that the establishment is not open on Sundays. Houghton responded that it could be an error.

Guzman stated that she has two issues with this request: (1) business has been closed on at least one occasion without notice to the Commission; and (2) there is nothing before the Commission about requesting new hours especially given that she is requested extending the hours on Monday from 11:00 p.m. to 1:00 a.m. Guzman pointed out that Rivera referred to the establishment as both a restaurant and a club. She also stated that she noticed a new sign with a new name but that a name change had not come before the board.

Rivera stated that she has been very ill, is having trouble paying her bills and she is on the road to bankruptcy. She would have brought an attorney with her if she had the money. She stated that her house is in foreclosure and even with the renovation she still has not enough customers. She is having a hard time paying her employees. This is her only job to support her three (3) children. She doesn't know what to do.

Houghton stated that he would like the Commission to look at the license history of fights and lack of cooperation with the police. Houghton has spoken with Rivera on many occasions. The police department had expended a lot of resources in keeping the establishment and public safe. He is hoping the Commission will take action. They have had to place an on-duty officer there to help control the crowds, for public safety reasons.

Avellaneda asked Captain Houghton when the last police incident at the establishment was. Houghton stated that he believed it was in 2013 when security assaulted a patron, but there have been over approximately 40 incidents and it ties up an on duty officer every weekend.

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Avellaneda stated that in the past the Commission has always had a police report to take action on. Houghton responded that all police reports have been presented before and there are the two recent reports with setting forth the open and closing in violation of the establishment's license.

Rossi stated that the son knew he was supposed to be here and still did not appear.

Guzman then stated that she received a message from City Clerk Clayman that she had received a communication from Rivera about the new hours but not about the name change.

Cooney confirmed that, Rivera did apply for the new sign. He further stated that he has never sent individuals receiving a sign permit to change their name with the licensing commission

Rivera clarified that it was a banner not a sign. Rossi stated that the Commission was not taking about the sign but rather the legal requirement to request the name change from the Commission.

Guzman stated that the establishment has been in business for a long time and it is not the City's obligation to tell the licensee of the rules and regulations. She is also disappointed that the manager of record, Rivera's son was not available. There have been multiple violations and Rivera seemed to have an excuse for everything.

Umemba agreed that Rivera has an excuse for everything and further stated that if the business is not doing well that is a problem. He has seen a lot of crocodile tears. He further stated that the City has had enough time to investigate into anonymous neighbor complaint and no one has appeared at the public hearing. Rivera can always go to the city to ask for help. Issue in the past with employees taking money on the side. The owner has to be more responsible.

Guzman stated that there are not any current allegations of misconduct before the Commission.

Rivera stated that Attorney Dodge retired and then she had Attorney Erica Colpmbo but then she also left and she hasn't been able to find a new attorney. Rossi asked how long ago since her attorney left and she responded about a year but she couldn't find one that knew the rules of the City. Rossi stated that it seems to be a long time not to have an attorney.

Rossi asked Captain Houghton how many times the Police Department had to have a car stationed at the establishment. Houghton replied 40 times and more during the summer. Rossi then inquired whether in Captain Houghton's opinion there has been less problems because of the patrol. Houghton replied yes.

Rivera stated that it has been really bad on Saturdays, it's a bad area and she is struggling with the business.

Rossi asked Rivera when the new sign went up and she replied 8-10 weeks ago. She also stated that the roof had leaked and she had to replace the ceiling which led to the renovations. Rossi asked if she owned the building and Rivera replied that she did.

Guzman asked what was the pleasure of the Commission. Avellaneda motioned to approve hours as follows:

Monday: 2 p.m. to 11 p.m.; Tuesday: Closed; Wednesday: 2 p.m. to 1 a.m.; Thursday: 2 p.m. to 1 a.m.;

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Friday: 2 p.m. to 1 a.m.; Saturday: 12 p.m. to 1 a.m.; Sunday: 12 p.m. to 1 a.m.

Cooney Seconded with the following comments wondering whether should amend Motion to roll back hours to 11:00 p.m. each night to stop club atmosphere.

Rossi asked whether it was a dance club. Rivera answered that no it was a Restaurant/Bar more of a restaurant and that it looks clean since renovation and then showed a cell phone picture of the renovation to the Commission.

Umemba made a motion to amend to roll back the hours to midnight and keep Monday at 11:00 p.m. Cooney seconded.

Rivera stated that this will close her business, it's not fair and will cause her to file for bankruptcy. Guzman asked for clarification of the Amendment before the Commission. She stated that she was not sure if it is justified as roll back seems like it would be a punishment and no violations are before the Commission currently.

Rossi stated that the Commission should consider that Rivera has mentioned that such an hours restriction may be too drastic and have consequences on the business and neighborhood.

Guzman stated that while Rivera has used the terms bar and lounge interchangeably it is a club with dancing and that if it really was only a restaurant why is there a bouncer at the door checking dress code.

Umemba stated that he is concerned that this establishment ties up police resources and was going to motion for revocation based on past non-compliance but thinks the 12:00 a.m. roll back is better option and see how it works and whether licensee can comply with rules and regulations.

Avellaneda stated that three establishments, including this one, have been before the Commission for not opening during licensed hours and the Commission told them to review their hours and let the Commission know what they wanted their hours to be. Never considered rolling back the other two establishments. They requested their new hours and the Commission approved. He further stated that changing hours at end of evening is usually reserved for punishment and with all due respect to Captain Houghton the Commission does not have a police report for violations before them. He offered that maybe the hearing should be continued to allow the Captain to produce a police report. In his experience some small businesses cut corners when they are having financial problems he is not seeing that here. He thinks that while they can reprimand for failure to notify of the name change, she did pull a permit. He is asking the Commission to focus on the hours change and when police report a violation the Commission can consider it then.

Rossi agreed that rolling back hours may be beyond the scope of what was before the Commission.

Guzman stated that rollback is usually a punishment because of issues during the late hours and as appalled as she is she does believe they gave notice for certain things and have to make decisions only on the issues properly noticed. First issue of the complaint has been null and void because the complainant had not appeared. Second issue of the hours, it doesn't feel right to sanction a suspension and she doesn't feel comfortable with that.

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Rossi stated that continuing the meeting sounded like a good idea.

Avellaneda restated Umemba's amendment to his motion to approve hours, which was seconded by Cooney as follows:

Monday: 2 p.m. to 11 p.m.; Tuesday: Closed; Wednesday: 2 p.m. to 12 a.m.; Thursday: 2 p.m. to 12 a.m.; Friday: 2 p.m. to 12 a.m.; Saturday: 12 p.m. to 12 a.m.; Sunday: 12 p.m. to 12 a.m.

On the Motion: Umemba-yes; Cooney-yes; Rossi-No; Avellaneda-No; Guzman-No. Amendment fails.

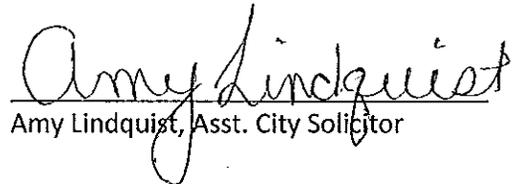
Vote on Avellaneda's original motion to approve hours as follows:

Monday: 2 p.m. to 11 p.m.; Tuesday: Closed; Wednesday: 2 p.m. to 1 a.m.; Thursday: 2 p.m. to 1 a.m.; Friday: 2 p.m. to 1 a.m.; Saturday: 12 p.m. to 1 a.m.; Sunday: 12 p.m. to 1 a.m.

On the Motion: Umemba-No; Cooney-No; Rossi-yes; Avellaneda-yes; Guzman-yes. Motion passes.

Guzman states that Rivera must file paperwork to change the name of the establishment with the Commission and must open and close at the times now on the license.

Public Hearing for Edd's Autos Sales, Inc. re: Public Hearing on Class II used Car Dealer License application was re-opened. Applicant's still failed to appear. Cooney made motion to deny for failing to appear at public hearing; seconded by Avellaneda. On the Motion: Umemba-yes; Rossi-yes; Cooney-Yes; Avellaneda-Yes; Guzman-Yes.


Amy Lindquist, Asst. City Solicitor

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