



Deborah A. Clayman
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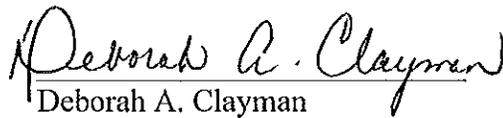
NOTICE

There will be a meeting of the Chelsea Licensing Commission on Tuesday, April 28, 2015, at 6:00 p.m., at the Chelsea Public Library Auditorium, 569 Broadway, Chelsea, MA.

AGENDA

- 1) Minutes of Licensing Commission meetings of February 3, 2015 and April 7, 2015
- 2) New Business (any new business and other items not reasonably anticipated at the time of meeting posting)
- 3) La Guonaquita
280 Broadway (public hearing re Old Gold License application)
- 4) Gran Chimu, Inc., d/b/a Las Palmas Restaurant
44-48 Central Ave. (public hearing re disciplinary action)
- 5) 2015/2016 License Renewals:
 - Petroleum Storage License Renewals
 - Motor Vehicle Garage/Repair Shop License Renewals
 - Parking Garage/Parking Lot License Renewals
 - Pawnbroker License Renewals
 - Old Gold License Renewals

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April 28, 2015

Meeting of the Chelsea Licensing Commission commenced on this date at 6:00 p.m. at the Chelsea Public Library, 569 Broadway, Chelsea, MA. Present: Chairperson Silvia Guzman, Commissioners Joe Cooney, Roy Avellaneda, and Mark Rossi. Absent: Commissioner Ken Umemba. Also present: Captain Keith Houghton of the Chelsea Police Department and City Clerk Deborah Clayman.

Minutes of Licensing Commission meeting of February 3, 2015 were unanimously accepted and filed.

Minutes of Licensing Commission meeting of April 7, 2015 were accepted and filed (3-0; Guzman abstained due to 4/7/15 absence).

April 16, 2015 email from City Treasurer Bob Boulrice re Las Palmas was tabled pending public hearing scheduled for this evening.

Email communication of April 27, 2015 from Captain Keith Houghton of the Chelsea Police Department re Las Palmas was tabled pending public hearing scheduled for this evening.

April 27, 2015 communication from Deputy Chief Wayne Ulwich of Chelsea Fire Prevention re 44 Central Ave. was tabled pending public hearing scheduled for this evening.

April 17, 2015 communication from Division St. and Winnisimmet St. residents re El Carriel of 9-11 Williams St. was accepted and filed. Conference will be scheduled.

Public hearing re La Guonaquita of 280 Broadway in connection with an Old Gold License application commenced. No one appeared on behalf of La Guonaquita. Public hearing was cancelled.

Public hearing commenced re Gran Chimu, Inc., d/b/a Las Palmas Restaurant, 44-48 Central Ave. to consider a proposal to suspend, revoke, and/or modify the Restaurant/All Alcoholic Beverages License, Common Victualer License, and Amusement/Entertainment License relative to reported alleged violations reported by the Chelsea Police Dept. Chairman Guzman read public hearing notice.

Attorney Anthony Rossi appeared with Liliana Rivera and Anthony Rivera on behalf of Las Palmas Restaurant.

Captain Houghton read summary report of April 7, 2015 and noted that re report of 4/3/15 there are certain things he cannot go into because of the criminal investigation. He has 911 tape noting that no one from Las Palmas telephoned police. He has police officers present this evening to testify. Houghton played audio tape.

Officer Chodrick summarized report #15-380-AR re 4/3/15 incident.

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Upon questioning of Atty Rossi, Chodrick testified that as soon as he got the call he arrived within minutes and knocked on the door. Chodrick testified that you cannot see through the grates and it was about 5 to 10 minutes before they let him inside. It was pretty chaotic and a few female patrons were having a dispute with the waitress. Shooting did not occur inside the restaurant, not that he is aware of. Chodrick further testified upon Rossi's questioning that shooting occurred outside restaurant after closing.

Report #15-380-AR was summarized by Farden. He got information later from another officer how things got started. The female inside the bar was assaulted outside. A relative of hers came into help and got into an altercation. He received this information today. He was told that the video was not working.

Upon questioning of Rossi re whether or not Ms. Rivera was cooperative when he entered the premises, Farden responded that he had no direct contact with her. Upon further questioning of Rossi, Farden stated that this took place after 1:00 a.m. outside the restaurant as far as he knows. He stated that he really couldn't say whether witness testified that alleged shooter was in the establishment that evening. He had no knowledge of him being inside the bar.

Houghton stated that he would like to add that the incident actually started with a female who started a fight, who was in Las Palmas. They have a half hour to clear out and are responsible for outside their establishment. No one is supposed to be inside after closing and two females fighting inside leads to believe they were in violation. The facts are someone got shot and car-jacked outside. They could have opened the grates when ordered to do so. When this case comes forward, it was a direct result from patrons from the bar.

Rossi stated he does not minimize the events of what occurred. He stated that closing is at 1:00 am and they have 30 minutes to get them out. At 1:18 am the police arrived at the location. There is no testimony that someone was served alcoholic beverages after 1:00 a.m. Only four patrons were inside from 1:00 to 1:30 a.m. based on testimony and possibly two females. By the rules, everybody must be out by 1:30 a.m.

Re 4/9/15 communication from Captain Houghton to Las Palmas, Houghton read report #15-1283-OF and stated he will withdraw report #15-1409-OF for another meeting.

Rossi questioned Houghton re photos and reports submitted re violations re hookah, liquor storage and purchases, etc. Houghton stated that bottles with missing UPC codes and the hookah were seized and returned to the police department. He did not request written response from Ms. Rivera re where she purchased alcoholic beverages. Ms. Rivera was friendly and answered all his questions. Houghton stated further that name change of establishment was never approved by Commission.

Atty Rossi stated that he submitted a copy of an application for name change to the Building Department in January of 2015. Guzman stated that they discussed this with Ms. Rivera at the last meeting. Numerous violations were read by Houghton re report #15-1283 re work being done without permits being pulled. Rossi made copies of permits re repairs post police

inspection. Within 48 hours, Captain Houghton stated he has not been there because he thought the establishment had been closed by the fire department. Rossi stated that since Ms. Rivera came to his office they tried to address a number of issues that had been raised. He is not discrediting the police department; he just wants the Commission and police to know what they have done.

Public speaking portion of hearing was opened.

Chairperson Guzman read 4/28/15 communication of City Councilor Matt Frank.

Chairperson Guzman read 4/27/15 communication of Deputy Fire Chief Wayne Ulwich.

Enio Lopez of 75 Shawmut St. appeared and submitted petitions and stated that the neighbors got together re complaints re Las Palmas. There are fights and problems and no peace and they are looking for public safety there.

Orlando Lima of 81 Shawmut St. stated he lives across from Las Palmas. There have been issues there continuously. There are a variety of different incidents inside and outside. Whenever a police officer is on site, nothing happens, but when they leave, the problems start. Police details would make a difference.

Luz Lima of 855 Broadway stated she has been living in Chelsea for 9 years. What occurred there is nothing new. It happens everywhere in Chelsea. This is not the responsibility of Las Palmas, it is the responsibility of the community. She works at Las Palmas and a lot of the issues Ms. Rivera is being accused of are issues she addresses. She has all customers out between 12:30 and 12:45 am and before 1 am she wants the premises empty everyday. There is no over-capacity of customers. She has never seen diversity any where else and appreciates that Las Palmas opens the doors for everyone.

Jose Lopreto of 112 Shawmut St. stated he feels insecure in that place. The location is four houses from his home. He has seen people with knives and there have been shootings. The calls for police and the sirens don't allow him to sleep. They come out of the place 1:30 to 2:00 am. In the alleyway next to his house, patrons do their personal business there. He has witnessed arguments and has had to seek safety. He has complained to security there and they didn't do anything. This is not a secure place.

Patricia Ebantes of 66 Shawmut St. stated she has lived in Chelsea for 20 years. In the area there is a lot of crime. The patrons take over their parking spaces. There is no place to park and there are continual disputes re parking. Drinking in public and beer bottles and cans are all over the neighborhood. They want safety in the neighborhood. There is a quality of life issue and they want no alcohol.

Sandra Lima of 81 Shawmut St. stated Thursday nights are dreaded by her and her husband. People are loud and Las Palmas has zero consideration of the neighbors. By the time they call the police, they are running to their cars. Her son should not have to see people in the streets

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fighting with a gun. She watched fleeing car damage five cars. Las Palmas didn't pay for damage to those five cars. She wants to sleep.

Orlando Lima Jr stated he has lived there for five to six years and it has been a problem. He seconds everything said this evening. They definitely need not to have an alcohol license and, if they do, they need a police officer at all times.

Orlando Lima Sr stated that he has lived in Chelsea at 81 Shawmut St. for 40 years. For as long as she has had the business, there have been problems. The owner before, had the same problems. People are coming out drunk day and night. They go into the street and don't care about your wife and kids in front of the house; they pee right in front of you. He watched the shooting three weeks ago. He saw it occur right from his window. If they get rid of the license, he doesn't want it to be closed because he goes in there sometimes and buys food.

Public speaking portion of hearing closed.

Atty Rossi thanked Captain Houghton and all police officers who attended the hearing and noted his respect for all city officials. He doesn't want to minimize what happened that night, nor does his client. He thanks the police for finding and arresting the suspect. It was a chaotic night; people hiding everywhere. However, everyone was out of there when that happened except for six patrons. They closed the doors for safety reasons. When they realized that the police officers were there, they let them inside. He hasn't really heard any testimony that the suspect was inside the establishment. They can't control what happens outside but they can control what happens inside. There was nobody that testified that the suspect that did the shooting was inside. They were fully cooperative. There was a reason behind them closing the grates and they did open them and allow the police inside. Regarding the 4/9 noted violations, he went over those violations with his client and addressed all notifications to the building department and is working toward remedying fire department issues. If he lived in that neighborhood, he would have a problem with people urinating, loud music, etc. His client is committed to making things better. They have responded to Captain Houghton's letter re employee payroll records and alcoholic beverage purchases. They have security and pay a company to come in there. They will set aside a plan re getting people out of there. They will be committed to having a police detail and will pay for it and they are also committed to making that a condition. They are more than well aware of the violations and intend to remedy them immediately. They realize the seriousness of this matter. If there is a taking back of hours, it is her livelihood. He got TIPS registrations for all employees to be recertified and she is also going herself to seek approval for change of manager. The loud music, urination issues and safety concerns of the neighbors can be addressed through details. Officers put their lives at risk everyday and they don't take that lightly.

Guzman stated one of her major issues is the lack of video surveillance. She has been before the Commission many times and she herself had a conversation with Ms. Rivera re the importance of the video. She takes the time to go over this and they are assured that she is going to do better and fix the issues. Once again, we are having a video issue and it was not working when the police requested it. As a resident of this City and neighborhood, it is imperative that businesses operating are secure and offering the public security. When something happens, they should be

able to go inside and look at the video. She has been told many times that this could help her. With respect to receipts for purchase of alcoholic beverages, licensed establishments may not purchase alcohol at a liquor store. She thinks bottles are being refilled. The lack of 911 calls on that date is a concern of hers as well. Assuming the suspect was not a patron, shots were fired outside, and she is alarmed enough that patrons came back into her establishment and she closed the grates, and at that point there should have been a telephone call to the police.

Avellaneda requested that they explain the process of her offering bottle service.

Atty Rossi stated that he already gave his client the name of a company re video issue. She is not mechanically inclined and he thinks the system is outdated. As for receipts, she had them in a different location and she has everything in a spreadsheet. He provided Captain Houghton with ledgers from last year to this year. Re 911 call, she never represented she called 911. Roberta River informed her that they called the police. The incident took place post closure and at that point she was trying to get everyone out of there. Guzman stated that she should have called herself.

Luz Luna stated that she is a bartender and waitress there. They pour from bottle into a glass. The photos shown are of people that had birthdays and they are allowed to take photos with the bottles. Liliana Rivera yelled at them for doing that. Bottle service is the patron purchases a bottle to be poured into container. The waitress or bartender is pouring the drink and the client is not allowed to pour the drink. The bottle stays behind the bar in the container.

Upon questioning of Commissioner Rossi, Rivera noted that there was no hookah used on the premises. One of the employees came from another job location and brought her stuff there. The promoter posted things to attract people to the establishment.

Cooney questioned Officer Chodrick re his response to Las Palmas. Officer Chodrick noted how he heard shots while at Bellingham Square and responded to Central Ave. with other officers. Everyone in the neighborhood knew the police were there. Cooney asked how clearly he heard her say they were not going to open the door. Chodrick responded "very clearly."

Upon questioning of Avellaneda, Atty Rossi stated they are still addressing fire department issues and are still closed for business.

Atty Rossi questioned Officer Chodrick re his arrival and asked if upon his arrival, did he go directly to the door or address the issues outside. Chodrick stated that he addressed the issues outside upon arrival.

Commissioner Rossi stated there are inconsistencies here. Someone made a decision to bar entry to the police and Ms. Rivera is responsible for everything that goes on inside the place.

Commission took a five minute recess. 2015 JUL 19 9 17 AM 5107

Avellaneda stated he is torn because he knows there is an investment here and we try to work with businesses so they can prosper. We have heard loud and clear that it is difficult for the

residents here. Any and all bars that have a late closing have to feel they have a responsibility when people are leaving. He had a ray of hope re police detail as a solution to insure some peace and quiet. That was diminished when Capt. Houghton stated that details would go unfilled. He doesn't think any other outfit could fill that. The concept of a transfer was different and the business is not the same as when the owner originally had it. It is more of a night club/lounge now. You don't have these issues at a restaurant. If we were to have a public hearing from an applicant to try to open up the same type of establishment, he doesn't think there would be any support for it. The 58 responses from the police department are a concern. Most of the calls are late at night. While he understands the investment made here, the residents have spoken and it is not what the residents want here. This Commission has given the owner a number of chances and the camera issue is a concern of his. This is poor management.

Guzman stated the shooting happened. Maybe the shooting had nothing to do with the establishment, maybe it was not a patron and didn't happen inside. She is bothered by the alcohol not being purchased from a distributor. That is enough for revocation. She cannot count how many times she has talked about the surveillance camera. Once again, it was not operable.

Commissioner Rossi stated she was also supposed to formally change the name of the establishment and didn't do it.

Guzman stated her concerns re alcohol; lack of notices; charging a fee at the door; countless photos of open bottles; promotion listing re free champagne. This was a restaurant that has morphed into a club. The one thing that has given this business income is the alcohol and that is not even respected. She is considering a revocation for entertainment and alcohol and a roll back of hours.

Commissioner Rossi questioned whether or not there was a suspension in the past. The Commissioners and City Clerk responded that they couldn't say with certainty. Ms. Rivera stated her license had not been suspended previously. The idea here is not to punish; if you have a business. If you have a business that takes off, the entire area benefits. When a business is a problem, it has a negative impact. You have a responsibility to the people living in the area of your establishment. He is profoundly concerned.

Cooney stated he has nothing further to say; it has all been said.

Cooney made a motion to revoke Alcoholic Beverage and Amusement/Entertainment License and roll back hours of operation to 11:00 p.m., seven days a week; seconded by Avellaneda. On the motion: Rossi – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

Attorney Rossi asked if the Commission would consider suspending the license indefinitely and roll back the hours to 11 pm to allow his client time to see if she can get out of the business and find someone in the area to purchase the restaurant who is more qualified. In the meantime, she could operate the business as a restaurant with no alcoholic beverages. He would ask that the Commission give her 90 days to have someone buy the restaurant.

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Commissioner Rossi stated that he wished that Attorney Rossi had requested consideration of a suspension prior to the Commission having voted in favor of revocation.

Avellaneda made motion to reconsider; seconded by Rossi. On the motion to reconsider: Avellaneda stated she would have the ability to operate as a restaurant and see what happens in 90 days to see if they can find someone to purchase the license and even possibly transfer the license to another location.

Guzman stated she has had the opportunity to address the issues. There is no immediate need for her to hold onto the license; there are other licenses available. She should have taken care of this license. There are other licenses available right now and we would be taking the opportunity of having a license in the community from someone else who may use it.

Rossi stated that he is going to remain in favor of revocation.

Ms. Rivera stated that she tried to sell the property in 2014. She advertised it and hired a broker to help her. They did an appraisal. She has remodeled to try to increase the value of her property. She is committed to finding someone to go there, stated Atty Rossi. If not 90 days, he is asking for 60 days and requests a chance.

On Avellaneda's motion to reconsider: Rossi – no; Avellaneda – yes; Cooney – no; Guzman – no.

Public hearing commenced re 2015/16 Petroleum Storage License Renewals. No one appeared to speak during public speaking portion of the hearing. Public speaking portion of the hearing was closed. Avellaneda made motion to approve renewals; seconded by Cooney. On the motion: Rossi – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

Public hearing commenced re 2015/16 Motor Vehicle Garage/Repair Shop License Renewals. No one appeared to speak during public speaking portion of the hearing. Public speaking portion of the hearing was closed. Avellaneda made motion to approve renewals; seconded by Cooney. On the motion: Rossi – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

Public hearing commenced re 2015/16 Motor Parking Garage/Parking Lot License Renewals. No one appeared to speak during public speaking portion of the hearing. Public speaking portion of the hearing was closed. Avellaneda made motion to approve renewals; seconded by Cooney. On the motion: Rossi – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

Public hearing commenced re 2015/16 Pawnbroker License Renewals. No one appeared to speak during public speaking portion of the hearing. Public speaking portion of the hearing was closed. Avellaneda stated that Second Hand Shop was not operating as Pawnbroker and requested that ISD and police conduct inspection to make sure they are operating as pawnbroker business. Avellaneda made motion to approve renewals; seconded by Cooney. On the motion: Rossi – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

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Public hearing commenced re 2015/16 Old Gold License Renewals. No one appeared to speak during public speaking portion of the hearing. Public speaking portion of the hearing was closed. Avellaneda stated that Second Hand Shop was not operating as Old Gold business and requested that ISD and police conduct inspection to make sure they are operating as pawnbroker business. Avellaneda made motion to approve renewals; seconded by Cooney. On the motion: Rossi – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

Meeting adjourned at 10:10 p.m.

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