



Deborah A. Clayman
City Clerk

City of Chelsea
LICENSING COMMISSION
City Hall, 500 Broadway
Chelsea, MA 02150

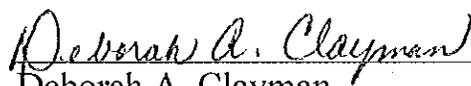
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NOTICE

There will be a meeting of the Chelsea Licensing Commission on Tuesday, July 14, 2015, at 6:00 p.m., at the Chelsea Public Library Auditorium, 569 Broadway, Chelsea, MA.

AGENDA

- 1) Minutes of Licensing Commission meetings of April 28, 2015 and June 16, 2015
- 2) New Business (any new business and other items not reasonably anticipated at the time of meeting posting)
- 3) Manotas Corporation d/b/a El Carriel
9-11 Williams St. (public hearing re complaint)
- 4) Casa Mariachi, Inc.
49 Everett Ave. (public hearing re alteration of premises and change of license type)
- 5) Chung Wah Restaurant
460 Broadway (conference re police report)
- 6) Acapulco Mexican Restaurant
238 Fifth St. (conference re police report)
- 7) Rancho Las Pupusas
36 Second St. (conference re police report)
- 8) Licensing Commission Rules and Regulations Discussion


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July 14, 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, Ken Umemba, and Mark Rossi. Also present: City Clerk Deborah Clayman and Captain Keith Houghton of the Chelsea Police Department.

Licensing Commission meeting minutes of April 28, 2015 were taken from the table and upon motion made by Avellaneda, seconded by Rossi, and unanimously approved, the following language was inserted: 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. Minutes were unanimously accepted and filed.

Licensing Commission meeting minutes of June 16, 2015 were unanimously accepted and filed.

Email communication from Attorney Michael Foard, dated July 8, 2015, re Acapulco Mexican Restaurant of 238 Fifth St., was accepted and filed.

Email communication from Attorney Lawrence Christopher, dated July 13, 2015, re Rancho Las Pupusas, 36 Second St., was accepted and filed.

Communication of July 2, 2015 from Attorney Samuel A. Vitali re Acunha Restaurant Corporation d/b/a Plaza Mexico of 169-170 Washington Ave., was accepted and filed.

Communication from ABCC, dated 7/6/15, re F & A, LLC, d/b/a Park Street Convenience Store, 104-106 Park St., was accepted and filed.

Public hearing commenced re El Carriel of 9-11 Williams St. in connection with complaint filed by neighbors as per April 17, 2015 communication. Chairperson Guzman read public hearing notice. Jose Perez appeared on behalf of El Carriel as an employee and read a communication, dated July 14, 2015, from Manager Juan Manotas. Chairperson Guzman read April 17, 2015 communication from neighbors.

Constance Lizio of 18 Division St. stated that at the last meeting she appeared and since then, things are improved a bit, with the exception of the last weekend and the weekend of July 4. For years they have rolled with the noise and the matter of no parking. The suggestions made at the last meeting re soundproofing were wonderful. There are more families and children in the neighborhood now and a bar just doesn't fit there. They would like to see it moved to another area.

Jonathan Milton of 37-39 Winnisimmet St. stated that cars go up and down the street all night and when the bar empties out, the people come outside and it's noisy. He keeps his windows closed at closing time because of the noise. He goes around cleaning the private parking lot in which certain things have been happening dark at night and he doesn't think it is anyone from his building leaving condoms behind.

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Belachquer Abdellah of 63 Winnisimmet St. stated that it is all about the noise and the parking. It is like a night club and not a bar. Sunday morning he was outside with his two kids and there was trash everywhere.

Edward Medico of 18 Division St. stated that the owner hasn't shown up for the meeting and it is very important; anybody can write a letter. Does he really deserve to have a license? He is wondering whether or not Jose Perez submitted estimates re soundproofing.

Public speaking portion of the hearing was closed.

Jose Perez stated that they have taken off the base. He got himself a sound level reader to tell him how loud the noise is, which measured 62-63 and is within the legal limit re the law. He got a quote from an insulation company for \$10,000 because the building is so old. For a building that age, it is not reasonable to do that. He is working with a contractor to install an additional door. It will get done before the end of next week. He has patched windows as well. He doesn't allow anybody to leave the bar with a bottle in hand; not even water. The issue regarding cars riding down the street is something he can't address because he doesn't know where they are coming from. The trash issue is something he is willing to go out and pick up on Sunday mornings himself. He is trying to run a business and he doesn't want to harm anybody. The money is not available to soundproof the building. With respect to the issue re corporation filing, he talked to Secretary Galvin's office and his filing fees were being pad to El Carriel and not to Manotas Corporation. Payments were made yesterday and should be posted today or tomorrow. He is committed to fixing his errors and doing the things he has said he will do.

Upon questioning from Rossi, the following was determined:

- the sound decibels measured 62;
- inspection re sounding was done when the company came out and visually inspected the site; he is waiting for one more estimate re soundproofing;
- \$10,000 soundproofing expense is too costly;
- they have spent \$2,000 re renovations and will spend approximately another \$2,000;
- they have an agreement with the police department to sue the parking lot until 2:00 am;
- it would be difficult for him to hire additional staff to address trash issue around surrounding streets;
- he is committed to cleaning the area around the bar himself;
- he distinguishes the difference between a night club and a bar by the capacity in a bar being very low, patrons come into the bar to have a drink and sometimes dance; a nightclub is usually huge and has very loud music with entrance fees and security;
- he has no table service and no hookahs;
- he promotes on facebook as a Colombian bar;
- annual fees to State payments were being sent under name of the wrong corporation and that is now resolved and he will provide documents re resolution

Umemba stated he believes this hearing should be continued in order to find out who holds the license re ownership. He is disappointed that the residents and owners didn't work things out.

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Upon questioning from Avellaneda, Perez stated that over the next two weeks he will be installing an additional door and frames will be inserted in the windows to keep noise level down. The base has been turned completed off and the music is kept low. They will spend more money eventually, but right now they don't have that kind of money to soundproof. Avellaneda stated that he is concerned about the noise and parking is an issue that really can't be addressed because they are an existing business. Perez stated that he is committed to do the things he said he will do. He has nothing against the neighbors and has respect for the people who showed up this evening.

Guzman questioned how many times he measured the noise level to which Perez responded just one time. Guzman stated that different songs play at different levels. If you are checking levels, he should do it throughout the night to make neighbors happy. The issue is still impacting them. He needs to reach out to neighbors to see what level works for them so he won't have to come back before the Commission. The license is held by a corporation that is not a registered corporation at this time. El Carriel and Manotas Corporation are not in existence at this time. She doesn't see how he can operate without a license holder. Legally, there is no one holding the license because the entity no longer exists. She understands that he paid today, but as of today, it is still not fixed. She will make a motion to suspend the license until there is a license holder. Mr. Manotas must present himself and show us who holds this license. She thinks the license should be suspended because there is no longer holder currently. Perez stated the Commission only meets once a month and if he can prove tomorrow he would still have to remain closed until next month. Rossi stated if he can provide the City Clerk with documentation, the license would be reinstated.

Guzman made motion to suspend the alcoholic beverage license and amusement/entertainment license until such time as the license holder, Manotas Corporation, can provide to the City Clerk a certificate from the Secretary of State Office showing that this corporation has been revived and is in good standing with the State; seconded by Rossi. On the motion: Rossi – yes; Umemba – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

Public hearing commenced re applications of Casa Mariachi, Inc., 49 Everett Ave., re alteration of premises and change of license type. Chairperson Guzman read public hearing notice. Attorney Mark White appeared with Elcides Perez on behalf of Casa Mariachi and stated that they have been at the location for almost 10 years. Taqueria del Sol which was located next door has closed and Elcides would like to expand his space into the area of Taqueria del Sol and change from a beer and wine license to all alcoholic beverages license.

Captain Houghton stated there have been no issues in the past other than overcrowding and the doors being open. The police worry about it becoming a night club and he recommends that they get approval on a trial basis as there is dense housing surrounding them.

The additional space almost mirrors the space he has now stated Attorney White, who gave a description of remodeling plan which included a bar and additional seating. The new area will be a bar area and the Casa Mariachi existing space will be the restaurant area, stated Elcides.

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Guzman stated we do not allow night clubs to operate in the City. If you are going to have a bar in a restaurant, you must comply with the regulations.

Attorney White stated that they are adding 41 seats, which is an extension of a bar and having 10 tables. They can bring food from one side to the other. Tables on the restaurant side will not be decreased. It would be similar to the Dockside Restaurant with a bar on one side and a restaurant on the other side. Avellaneda stated it sounds to him like this is going to be like La Hacienda in East Boston.

Rossi made motion to approve applications for alteration of premises and change of license type; seconded by Cooney. On the motion: Rossi – yes; Umemba – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

Conference commenced re Chung Wah Restaurant of 460 Broadway in connection with Chelsea Police reports #14-4588-OF and 15-125-OF. Guzman read conference notice. Yim Chang and Tin Feng Chang appeared on behalf of Chung Wah Restaurant. Tin stated that re report #14-4588-OF, they close at 1:00 a.m. but on that date they were so busy and a bunch of customers came in all at once. They didn't want to kick out customers who had been waiting inside the restaurant.

Captain Houghton stated the problem is the bars in the area close at 1:00 a.m. and everyone goes in there. This is a problem for the police department.

Yim Chang stated that they try to close their doors at 1:00 a.m. Houghton stated that this is a magnet for people to loiter.

Cooney stated that there have been no problems in the last seven months since the incident occurred.

Avellaneda suggested that they come up with a system to be a better gate keeper. Rossi stated they are exposing themselves to problems. Umemba stated what he sees in the police report is not good. Rossi stated that he is suggesting that they stop taking orders at 12:45 a.m. Umemba stated that they should not be letting people in after 12:45 a.m.

Cooney made motion to close conference and take no action; seconded by Rossi. On the motion: Rossi – yes; Umemba – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

Conference commenced re Acapulco Mexican Restaurant of 238 Fifth St. in connection with Chelsea Police Department reports #14-5279-OF and 15-2008-OF. Guzman read conference notice. Attorney Michael Ford appeared with Luis Flores, Jr. on behalf of Acapulco Mexican Restaurant and Ana Hernandez who is the head of security at the establishment.

Guzman stated that she had received a call from the license holder about two months ago asking her to represent him on an issue. Upon hearing his voice and name, she asked if they knew each other and explained she could not have any connection with him because she is a member of the

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Commission. He asked if she could refer him to someone else and she stated she could not. She wanted this noted for the record and does not have to recuse herself from this conference.

Avellaneda recused himself and stated he was acting as a facilitator re property owned by William Thibeau who has a proposal with the City and in that capacity approached property owners along Everett Ave.; one of those being the property of 238 Fifth St. and Mr. Flores who is a tenant of that property.

Captain Houghton read police reports #14-5279-OF and 15-2008-OF.

Ford stated that with respect to the December incident, this was a first time incident re an employee. Mayory has since been terminated. His client has been advised that if there is a disturbance of any kind, the police must be called. Ms. Ana Hernandez was present that evening and they now realize that 911 should have been called, but at the time they were attending to Carmen. The licensee has learned from this incident and you will not see them again for anything like this matter. Regarding the May incident, Ford stated that his client informed him that they had been remaining on the premises but there was no drinking. The employees and individuals who work there remained on the premises and were going over business matters. He has reviewed regulations with him and noted that everyone must vacate the premises on time. He has informed his client of the importance of cooperating with the police and Licensing Commission at all times. He went over the regulations with him and Mr. Flores represents that he will not be here again for this and understands what Attorney Ford has explained to him.

Cooney stated the licensee's lack of cooperation is a concern of his. Attorney Ford stated the police were trying to do their job and Mr. Flores was trying to get things shut off. The licensee represents to Attorney Flores that as this was happening, he wanted to get sauce and exhaust fan shut off. Police were able to enter and nothing was being concealed. He would not try to hide anything because everything is in the open. He understands that as explained to him and Ms. Hernandez understands that as well.

Rossi asked if Mr. Flores was intoxicated. Flores stated that he was not. At Rossi's request, Flores explained his version of both occurrences to the Commission, noting that Mayory threw a glass at Carmen. He was trying to separate them. He saw the glass but didn't contact the police. He asked Carmen if she needed any help and she said she didn't and talk him to get away from her. He had Ms. Hernandez talk to her.

Hernandez stated that she went into the bathroom and noticed Carmen had scratches. She asked her what happened and asked if she wanted her to call the police and be brought to the hospital. She stated she wanted to be left alone. She took her from there and wanted to take her to the hospital. She took her home and stayed with her for a while. She had scratches but she didn't see any blood. She stayed with her until about 1:00/1:30 a.m. and then left. She thinks Carmen was just embarrassed and went to the hospital the next morning. She didn't feel she could force her to go to the hospital that night. She apologizes for not calling the police. She has never had to address an altercation at this establishment.

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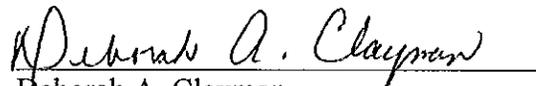
Captain Houghton stated they tried to get a video re after hours but there was no video. The other incident didn't get followed up re video. Ford stated that he advised Flores to get a tech guy down there. In speaking with Mr. Flores, he understands that and intends to fix or put in a brand new recording system. Guzman questioned what they've done from May to July re video system. Ford stated it is recording but not retrieving as he understands it. Flores stated it is a CD duplicated from a hard drive. A tech came and looked at it and it is now recording. It records to its own internal hard drive. Ford stated they will make sure they have 21 day maintenance. They have 12 cameras on site but he doesn't review them because he has had no reason to do so because he hasn't had problems. Rossi suggested that he review them. He proposes that he agree to review them at least once a week.

Rossi made motion to move this matter to a public hearing; seconded by Cooney. On the motion: Rossi – yes; Umemba – yes; Cooney – yes; Guzman – yes.

Conference re Rancho Las Pupusas will be rescheduled as per the written request of 7/13/15 from Attorney Christopher on behalf of Rancho Las Pupusas.

Discussion re Licensing Commission Rules and Regulations commenced. Guzman suggested that each section of the regulations be reviewed, starting with Section 2, and suggested that each Commissioner prepare their own notes for the next meeting.

Meeting adjourned at 8:30 p.m.


Deborah A. Clayman
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approved: 9/29/15

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