

Minutes of the June 26, 2018 meeting of the City of Chelsea Licensing Commission.

Location: Chelsea Public Library 569 Broadway Chelsea, MA 02150

Meeting opened at 6:09 p.m. by Mark Rossi (Chair)

Commission members present: Mark Rossi (Chair), Michael McAteer (McAteer), Vice Chair Jim Guido (Guido), Roseann Bongiovanni (Bongiovanni) and Jazmin Valentin (Valentin)

Also present: Officers Christopher Troisi, Nicole McLaughlin, Jason Farden, Ryan Ostler, Det. Carlos Vega and Capt. Keith Houghton, on behalf of Chelsea PD, Strephon Treadway on behalf of Chelsea Law Dept. and Licensing Administrator Jenny Builes.

Guido moved to adopt the minutes of the May 22, 2018 meeting. McAteer second. Bongiovanni -yes. Chair Rossi- yes.

Clerk's Update/New Business:

Licensing Admin read all communications to the commission and to all members of the public. Chair Rossi read two late communications regarding the ban of single can/bottles.

Public Hearing: To consider the banning the sale of liquor bottles containing up to (250mil) and single cans/bottle malt beverages by Section 15 licensed establishments in the City of Chelsea.

Chair Rossi opened the public hearing to consider the banning the sale of liquor bottles containing up to (250mil) and single cans/bottle malt beverages by Section 15 licensed establishments in the City of Chelsea.

Captain Houghton spoke and mentioned he is the Chief representative for the Chelsea Police Department. Last meeting the licensing commission ban the sale of nips and now Chelsea has a similar problem with 250mil-200mil and 100mil. Chelsea has a big homeless population. In 2017 the Chelsea Police Department responded to over 1000 alcohol-related calls resulting in 781 hospitalizations and 238 people being placed in temporary Chelsea Police Department care. 25% of Chelsea Police Department arrests are alcohol-related. As opioid-related incidents have declined alcohol problems have increased. Captain Houghton referred to the testimony of Gladys Valentin at the May Licensing Commission meeting that CAPIC provides the resources that it can, but that these do not resolve the problem. Houghton added that he has been informed by the Emergency Management Director that every police call costs the City \$200 and that when fire and EMS services also respond, a frequent occurrence, and the cost is approximately \$1000. Houghton has surveyed the City's liquor stores and found that they do a high volume business in low quality, low price spirits. While last month's ban on 50 ml nips has had a positive effect, reducing protective custody cases by 12% in the 26 days since it has been in effect from the same time last year, store owners have responded by replacing nips on the shelves with 100 ml and 200 ml bottles. Downtown task force has been doing a great job a long with CAPIC. He mentions that by selling a 200 ml bottle of spirits for \$1.99, the City's liquor stores were catering to a clientele that drinks to excess in the street. In most stores the cheapest liquor occupies the most prominent display space. While every City has public intoxication problems, Houghton concluded that Chelsea's extreme situation is unique because it is so easy to buy in the City. Officer McLaughlin spoke and mentions that she is a Chelsea resident, is part of the community, and during her shift the victims are often homeless. The

victims are so incapacitated they are unable to identify themselves and get robbed because they have no wallet. Chair Rossi questioned for a recommendation from CPD regarding the single can/bottle malt beverages. Houghton mentioned that his stats do not show the single can/bottle of malt beverages. Captain Houghton and Officer Farden testified that their focus was on small containers of spirits and that although single beers are a problem, they are harder to conceal.

City Manager Thomas Ambrosino testified that the City was expending enormous resources addressing substance-abuse including alcoholism. In each of the last three years, the City included half a million dollars in the City budget for these efforts including support for Navigators for North Suffolk Mental Health, detox services, and case management services from CAPIC. While these efforts have been successful and helped many on the road to recovery from alcohol and opioid abuse, Chelsea continues to be bedeviled by a public drinking problem. A ban on small containers will not solve the problem, but it is a tool in the toolbox, and if the Commission does not eliminate the convenience of these small containers, it will have done nothing. Bongiovanni mentions she has received concerns on pushing the issue to other cities and how it may impact them. Ambrosino added that the City had no intention to promote gentrification but instead wanted to elevate the existing eclectic mix of businesses that is downtown. Some business owners have told him that it is hard to attract customers when they see drunk people in front of the stores at 9 am. Ambrosino testified that the City will continue to be relentless in providing services, but that small spirit containers were just too convenient.

City Councillor Roy Avellaneda testified that he is a lifelong Chelsea resident who is a proponent of banning small containers. From the age of six he has had to walk past drunk people on Chelsea streets. Avellaneda argued that for drugs we provide services, but we also go after drug dealers. He further argued that the numbers presented by the Police Department tell him that the store owners are a problem. He mentions that when Chelsea discovered the issue with opioids the city helped with providing Nar cans to the first responders. Avellaneda testified that as a former Licensing Commission member, he knew that if the problem could be pinpointed to a particular store, it would be closed down and unfortunately the problem is bigger than that in Chelsea. Avellaneda related that a former store owner said in response to questions from the Commission about his store's contribution the problem of extreme public intoxication, "That's Chelsea." He walked into Wegman's and he seen an sign that says "no single sales" and questions why Wegman's has this rule and mentions that this is to prevent someone to purchase a single then open it in front of the store.

Captain Houghton further testified that although the City's efforts to reduce substance abuse have been successful there is, unfortunately, a revolving group of about 50 individuals who drink to excess in public. He testified that the police have tried to get the store owner to refuse sales to those people but that this hasn't worked. Officer Ostler testified that two to three weeks into the downtown initiative, the Police Department provided licensees with a booklet identifying people who were repeatedly placed under protective custody for public intoxication. The same people continued to obtain alcohol. Guido questions on why the liquor stores are open at 8 in the morning.

City Councillor Ennio Lopez and also spoke in favor of banning small containers and single beers. His concerns were about Chelsea Walk pub, and mentions that they are open at 7 in the morning.

Chelsea District Court Supervising Prosecutor Vincent DeMore of 1 Medford Street spoke and is in favor of the ban. He mentions that everyone deserves a healthy city. If he someone who had overcome

alcoholism and gets off of the 111 bus there are too many liquor stores that may influence to give up on the sobriety.

Hardik Patel of Heller's Liquor Mart spoke in opposition to banning small containers. Patel testified that he lived in Chelsea after arriving in 1999. He graduated from Chelsea High School in 2004. He testified that he understands the frustration of City officials. He bought Heller's Liquor Mart two years ago, and his parents took out second and third mortgages on their homes in order to pay for it. If small containers are banned he testified that he would lose a large amount of legitimate business and that this will cause a loss of jobs. He testified that he wants to work with the City to find a solution to the problem of public intoxication. He testified that his store does not sell to the people identified by the police officers, and he is sorry that others buy for them. He had the option to move, but he chose to stay in Chelsea because it is his community. Patel added that he has collected over 1000 customer signatures on a petition in opposition to the proposed ban, and he provided these to the Commission. He added that a local ban will not work since alcohol can be ordered online and will be delivered in 30 minutes.

Vishal Patel of The Bridge, formerly Fernandez Brothers, testified that although he was not a Chelsea resident, he will do anything to help solve the problem of public intoxication. However, banning small containers will punish a thousand people to get at a problem involving a much smaller number of people. His former customers, he argued, will go to another town and that this will cause a greater loss of business than the part represented by small containers. If the ban passes, he testified that he will not be able to continue to employ the two or three employees per shift that he currently employs. He currently has six employees, among whom at least one is currently a Chelsea resident. He added that any ban should become effective after a longer period than last month's nip ban. He is currently stuck with significant nip inventory that he cannot sell or return.

Resident Marianne Winship spoke in opposition to a ban. She agreed with the Police Department that public intoxication was a serious problem but argued that banning more product was not the solution. She suggested that City officials have a meeting with owners to come up with a plan. She did not want to harm legitimate consumers who want to buy small containers.

Robert Mellion, Executive Director of the Massachusetts Package Stores Association, spoke in opposition to the ban. He argued that the proposed solution was overbroad and harmful. A ban could put Chelsea licensees out of business, and that they are fighting for their livelihood. He added that the proposed prohibition of single beers would cause unintended consequences such as preventing the sale of high end Belgian Ales which are sold as singles. Mellion proposed comprehensive training for licensees such as the Beverage Alcohol Training program that he provides. He argued that a ban would create an unintentional black market and might encourage overconsumption. In Mellion's view, a ban would give licensees no alternative but to fight for their livelihoods.

Louis Cassis of the Wine and Spirits Wholesalers of Massachusetts spoke in opposition to the ban. Cassis testified that small package stores are under siege. They are already at a competitive disadvantage relative to large stores. Cassis compared the retail liquor market to that of the retail hardware market in which large chains have taken over. Cassis argued that the state liquor statute empowers the ABCC to act. He testified that alcoholism will not go away and that a ban on 50 ml bottles was one thing but a broader ban would cause greater harm.

Bill Kelley, President of the Beer Distributors of Massachusetts, spoke in opposition to the ban. Kelley provided written comments and highlighted some of these. He pointed out that a local ban would push the point of sale across city boundaries but still could not prohibit delivery in Chelsea. A ban would hurt people who are part of the community. Kelley added that banks would often refuse to lend to package stores because they are aware that these stores are vulnerable to regulation that can harm their business. Kelley argued that the Commission had the attention of the local licensees and that they are prepared to work with the Commission to solve the problem.

John Gunning spoke and is not for or against it. He buys alcohol for flights. Both his sons worked in liquor stores in Medford. The business hired police detail to help assist in any problems. The board, police and council are not to blame. They are trying to resolve the problem. He has witness mini vans packed full with liquor. He mentions that the liquor stores should do the right thing and tell intoxicated people no.

Citro Hernandez of 59 Williams street and shows the commission a picture of his daughter. He says that if they ban passes he is out of a job. He also mentions that he believes that three people can gather together and buy a bigger bottle to drink. Hernandez would like an updated list of the people they should not be selling to and it would help a lot.

Ash Patel of 698 Broadway a beer and wine license holder. He says that someone at the meeting compared or sounds like they are drug dealers which they are not. He says if someone comes in drunk he sends them home. Just because other stores do it does not mean all of them do it.

At the request of Commissioner Guido six individuals present in the auditorium identified themselves as local licensees. Four of these identified themselves as employers of Chelsea residents.

The Commission found that a serious public health and safety crisis of public intoxication exists throughout the City of Chelsea. The Commission found that the easy availability of inexpensive containers of low quality spirits contributes to this problem. The Commission further found that local licensees were willing to work with the Police Department to take steps to Commissioner Bongiovanni made a motion, Valentin-seconded and unanimously approved, that:

1. The hearing be continued until the Commission's next meeting, August 28, 2018; that
2. Section 15 licensees meet with designated police officers for the purpose of developing a plan to address the problem of public intoxication in Chelsea; that
3. Section 15 licensees obtain training regarding second-hand sale prevention
4. Following a thirty-day period intended to allow licensees to sell existing inventory, participating licensees voluntarily stop selling 100 ml containers of alcohol and any containers of alcohol for less than \$3.00

Public Hearing: Tibetan Association of Boston at 46 Clinton Street

Chair Rossi opened the public hearing to consider a new on premise club All Alcoholic Beverages license, amusement/entertainment license and a common victualer license to Tibetan Association of Boston, Inc. at 46 Clinton Street. Kristen Scanlon, Esq. appeared as the attorney and well as Damdul Sayatsang, member and Tsetan Gava a member and manager of the establishment. The organization formed back in 1992 with 250 Tibetan members in Boston. Some do live in Chelsea, Medford and in surrounding

cities off of Boston. They were looking for a property to purchase to be the center to promote and present Tibetan. The proposed operation hours are 4pm to 12 am (midnight). The location will host 10-15 meetings and offer members a location to host birthday parties, weddings and holiday celebrations. This establishment will be open only to members or guest of members must be sponsored by a member and not open for the general public. Most of 250 members do not visit all at once. Mr. Gava will be the manager, has experience in the restaurant industry and he is Tips certified. The parking lot has 36 spots for the members to park and they welcome the abutters to use the parking lot when they need to. The members are currently remodeling the establishment to give it a face lift. Every member is a volunteer, they volunteer their time to fix any issues the establishment may have and do not get paid. When they host events, the money gets put back into the community. The categories proposed for the entertainment license is T.v., background music, live band, radio and DJ. The food will be provided by the host of each party. Chair Rossi opened the public speaking portion. Ed Arsenault of 69 years living in Chelsea, the Irish Club needed a new roof and paint. He says the association will be an asset to the neighborhood. Chelsea Resident of 51 Washburn Street wishes the best for the association and agrees that the time of operation is fair because the Irish Club was open until 1 a.m. Captain Houghton spoke about how the interaction with the members was great and is pleased that the neighbors are happy. He mentions to notify Chelsea Police for public safety during their functions. The association currently has three cameras installed and will run video surveillance for 30 days. Bongiovanni motioned to approve the applications. Guido second. Valentin-yes; McAteer-yes; Chair Rossi-yes.

Public Hearing: Bella Villa at 13-17 Fifth Street

Chair Rossi opened the public hearing relative to the status of the All Alcoholic Beverage license of Bella Villa at 13-17 Fifth Street. Attorney John L. Dodge appeared along with Ever Zavala the owner of the establishment. Attorney Dodge mentions Zavala Corp. loss the lease to the premises. He is seeking a new location or a potential buyer. They are aware the commission has granted them six months prior to this meeting to seek for buyers or locations, but they would like an additional six months. It is very difficult to find a location in Chelsea. Chair Rossi mentions that this would be a full year of not operating the business with the license. Guido suggests to come back in September. Chair Rossi opened the public speaking portion. No one spoke, the public speaking portion was then closed. No issues reported from Captain Houghton. Bongiovanni motioned to continue the public hearing until September 25 and the establishment to remain closed.

Public Hearing: Ventura Taxi 19 Fourth Street

Chair Rossi opened the public hearing for Ventura Taxi, Inc. at 19 Fourth Street regarding Chelsea Police Department incident report #18-915-OF. Attorney John Flannigan appeared as well as Jose and Jose Junior Ventura as the owners of Ventura Taxi. Attorney Flannigan has known Mr. Ventura for 10 years and has done a great job with the company. They now have a process of hiring taxi drivers in place. Licenses will be checked and training will be given. He currently has 12 drivers with his company and has hired 3 others since March. This individual in the reports called the day before to work the company, said he was going to bring in his license and no one was on premise except for the dispatch person who did not know he did not have a license. Mr. Ventura is aware that this is his fault and no excuses. Attorney Flannigan mentioned that Mr. Ventura took this incident extremely serious. Captain Houghton spoke and mentions that when this incident happened the company full cooperated and this individual had health issues. Chair Rossi opened the public speaking portion. No one spoke, public speaking

portion was then closed. Guido motioned to file this public hearing and if any other drastic incidents happen, the commission will take further action. Bongiovanni second. Valentin-yes; McAteer-yes; Chair Rossi-yes.

Public Hearing: Las Pupusas Del Chino at 92 Washington Ave

Chair Rossi opened the public hearing for Las Pupusas Del Chino at 92 Washington Ave regarding Chelsea Police Department incident reports #18-1334-OF and #18-1384-OF. Gustavo Serna appeared as the owner of the establishment and asked the commission to continue the hearing because he attorney could not make it to the hearing and represent him. Captain Houghton spoke and mentioned he was in contact with the attorney, has no objections and has inspected the cameras of the establishment. Guido motioned to continue the public hearing to the August 28 hearing. McAteer second. Valentin-yes; Bongiovanni-yes; Chair Rossi-yes.

2018/2019 Renewal Licenses for Hackney Drivers and Taxi Carriages

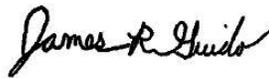
Guido motioned to approve all of the Hackney drivers and Taxi carriages and approve one driver pending on Chelsea Police requirements and approval. McAteer second. Valentin-yes; Bongiovanni-yes and Chair Rossi-yes.

Meeting adjourned at 9:28 p.m.

Adoption Date: 8/28/2018



Mark Rossi, Chair



James Guido, Vice Chair



Michael McAteer, Director ISD



Roseann Bongiovanni, Member