

Adopted Minutes of the April 4, 2019 meeting of the Chelsea Licensing Commission

Chairman Rossi called the meeting to order at 6:03 p.m.

Present were Chair Rossi, Commissioners McAteer, Bongiovanni and Vega; absent Commissioner Guido; City Solicitor Fisher, Assistant City Solicitor Treadway, Councillors at Large Robinson and Avellanda.

Chair Rossi asked for a motion to accept the minutes of the March 7, 2019 meeting, McAteer motioned, Bongiovanni seconded, voted unanimously to accept and file.

City Solicitor Fisher outlined the licenses to be approved; Petroleum Storage, Garage/Repair Shops, Parking Lots, Old Gold and Pawn Shops. Motion to approve made by Rossi, seconded by Vega, voted to accept and issue.

Communication for Change of Manager of Los Agaves, 950 Broadway, filed. Fisher explained that there's an ownership issue, affidavit received from Jose Torres, manager is Maria Rojas who has been CORI'd and approved. A temporary license was issued thru April 3, 2019 so the business could stay open. There is litigation pending between the parties. Courts have requested documents from the parties, several accusations have been made between the parties. After discussion regarding discipline and change of manager application, the matter was moved to public hearing by Rossi, seconded by Bongiovanni and voted unanimously. Motion to extend current license until public hearing was denied. Owners advised that all alcohol must be placed in storage and locked.

Communication from Chelsea Police Captain Houghton, Report #19-640-OF. The Captain outlined the violations; owner Nelson Molina spoke about using temporary security and stated his case; explained that all staff are TIPS certified then stated not all were certified. Motion to move to public hearing by Bongiovanni, seconded by McAteer, voted unanimously.

Communication from Chelsea Police Captain Houghton, Report #19-641-OF. Motion by Rossi to move to public hearing, seconded by Bongiovanni, voted unanimously. Captain Houghton will also submit a second report prior to the public hearing.

Communication from City Manager Ambrosino regarding upcoming public hearing for Chelsea Walk Pub because he could not be here tonight. He encourages the Commission to treat this matter with the seriousness it deserves.

Communication from Attorney McNelis regarding Fine Mart, 260 Broadway -- appeal of the Commission's March 7, 2019 appeal to the ABCC. Watson explained that we have since learned that he planned to withdraw the appeal.

Public Hearing for Pepper Dining d/b/a Chili's Chelsea, 1040 Revere Beach Parkway - change of Manager Application. Chair Rossi read the notification of the public hearing and opened the

public speaking portion. Attorney Upton and proposed manager Richard Campbell appeared before the Commission is a twenty year veteran of the industry, is ServeSafe trained, has no violations, has been CORI'd which is clean, and Chili's has had no issues with him. Public speaking portion closed. Motion to approve change of manager by McAteer, seconded by Vega, voted unanimously.

Public Hearing for Oakwood Tavern, 22 Adams Street –change of D/B/A. Chair Rossi read the notification of the public hearing and opened the public speaking portion. Owner Eduardo Duarte appeared to request favorable approval of their change of d/b/a name to Tambo 22. He feels it is more creative, means 'for feeding'; CPD reports no issues. Public speaking portion closed. Motion to approve by Vega, seconded by McAteer and voted unanimously.

Public Hearing for Fiesta Shows - approval of an Amusement & Entertainment License for a four day carnival at Chelsea Commons. Chair Rossi read the notification of the public hearing and opened the public speaking portion. John Flynn of Fiesta Shows was present. There have been no problems with their Chelsea functions prior, has been discussed with all department, know what he has to do. Councilor Roy Avellaneda spoke in his favor; has great work with him, all local activities, and is premier company to work with. After expenses, profit will be donated to the Summer Youth Job Program through the Collaborative. Public speaking portion closed. Commissioner Vega recused herself. Bongiovanni questioned the hours of operation; applied for Thursday and Friday, 5 – 11 p.m., Saturday 1 -11 p.m. and Sunday 1 – 9 p.m. Moved to approve Amusement & Entertainment License with modification of hours to be music shutdown at 9 p.m. on Friday and Saturday and closed down by 11 p.m.

Public Hearing for Colwen d/b/a Holiday Inn, 1012 Broadway - Change of Manager Application. Chair Rossi read the notification of the public hearing and opened the public speaking portion. Attorney Mangalick on behalf of Attorney Aieta and proposed manager Jason Raynor appeared. Mr. Raynor has several years' experience with Colwen Management, is TIPS certified; CPD had no complaints and CORI is clean. Public speaking portion closed. Rossi motioned to approve, seconded by McAteer and voted unanimously.

Public Hearing for Sar Brothers d/b/a/ Shop n' Go, 354 Washington Avenue - update on sale/transfer of license due by this meeting to avoid revocation. Chair Rossi read the notification of the public hearing and opened the public speaking portion. Fisher reports that a Purchase and Sale Agreement was submitted April 2, 2019 for sale and application for transfer of license received. Public speaking portion closed. Since the application for transfer of license will be a public hearing at next meeting, Rossi voted to consolidate revocation for non-use decision with application of buyer to that meeting, seconded by Bongiovanni and voted unanimously.

Public Hearing for Samir d/b/a Tedeschi's, 178 Washington Avenue - update on sale and/or transfer of license. Chair Rossi read the notification of the public hearing and opened the public speaking portion. Owner Mr. Safwan spoke on wanting to move the business to another location. Captain Houghton reported no issues with the business. Councilor Leo Robinson has been working with building owner Anthony Quiles and today submitted a petition signed over 100 neighbors in support of the establishment. Owner is looking at property at 230 Broadway and was asked about a time projection. Public speaking portion closed. Bongiovanni moved to continue the matter sixty (60) days, seconded by Rossi and voted unanimously.

Public Hearing for Lounge @ Winnisimmet, 73 Winnisimmet Street - application for Amusement & Entertainment License. Chair Rossi read the notification of the public hearing and opened the public speaking portion. Houghton reports no problems with their other business. Edward Medico of 18 Winnisimmet Street questioned what type of amusement & entertainment were being considered. Mr. Coimbra replied radio, television, disc jockey, live music and dancing by patrons; stressed to Commissioners that there will be no night club and nothing that will disturb neighbors. Building has sound proofing and 3x insulation. Public speaking portion closed. Contingent on Occupancy Permit, McAteer moved to approve Amusement & Entertainment License, seconded by Bongiovanni, and voted 3 yes 1 recused; passed.

Public Hearing for Molina's Butcher Shop d/b/a Rincon Hondereno Function Hall, 194 Broadway - application to modify Amusement & Entertainment License. Chair Rossi read the notification of the public hearing and opened the public speaking portion. Change is to include music and dancing by patrons in the function hall portion of the building – Mr. Molina and attorney Mindlin present. Houghton outlined a serious incident that occurred March 24, 2019. Houghton read the report, stated Cataldo was called and there are witness reports about the incident. There is grave concern that this will turn into a nightclub if this change is allowed. Mr. Molina felt this incident was not his responsibility and that it was in fact a domestic matter. When asked why Friday night socials Mr. Molina replied he needs more revenue. Councilor Avellaneda spoke about concerns regarding which abutters were notified. Mary Ann Winship, 62 Beacon Street, spoke against allowing this change for Friday Night Socials. There is a general concern of neighbors about noise. Commissioner Rossi is not inclined to vote against a regular club. Mindlin spoke stating that Mr. Molina is trying to do things properly. Rossi to oppose, not on allegations but based on public's concerns for a once a week nightclub atmosphere. Public speaking portion closed. Mr. Molina withdrew his request for Friday Night Socials. Moved by entire Commission to amend Amusement & Entertainment License to have a disc jockey/dancing by patrons only with a signed rental agreement.

Public Hearing for La Esquina Mariachi Restaurant, 170 Washington Avenue, application for transfer of all-alcohol license and location. Chair Rossi read the notification of the public

hearing and opened the public speaking portion. Appearing was Attorney Mark White for the applicant and Elcide Perez, owner/manager. Mr. Perez owns Casa Mariachi Restaurant on Everett Avenue and CPD reports no history of problems at this establishment. Attorney Fisher stated that we had received a copy of the Purchase Agreement between Los Recuerdos Inc. and La Esquina Mariachi. Pastor Santos Sosa of the church located at 172 Washington Avenue spoke about the many changes of ownership at the location, feels need a nice restaurant there but not drunk people, may at his church work hard to provide for their families and came out of that lifestyle, concerned for the children, cars have been damaged, don't need another alcohol place, and this change is not supported by anyone at his church. Leaders and other from the church spoke against this proposal. A parishioner spoke about limited hours and entertainment, having them pull off window coverings so people can see in. The neighborhood doesn't deserve to suffer through what they have, tough for young people growing up seeing what they've seen, they like to socialize but not with alcohol being served. Public speaking section closed. Commissioners asked about present establishment, changes to be made at the location, who will manage restaurant, concern that this will be a nightclub and not a restaurant, this needs a balancing act and must reach out to neighbors. Attorney White stated that Mr. Perez has fifteen years in the business, has had an all-alcohol license at his other establishment for over five years without incident, operates responsibly, if granted will run with respect, not a fast food joint, menu will mirror Casa Mariachi in Mexican food. Mr. Perez lives in the neighborhood and realizes the need to be a good neighbor and will be the manager on-site. Commissioner Bongiovanni stressed the need to have a balancing act, will allow vote favorably but will give Mr. Perez one shot and will move to revoke. Plans to open at 8 a.m., but the transfer of license would require a tweaking of the hours. Public speaking portion closed. McAteer motioned to transfer license with hours of Monday thru Friday, 11 a.m. – 10 p.m., Saturday and Sunday 10 a.m. – 10 p.m. with probationary period and then allowed to apply for more hours, seconded by Rossi, voted unanimously.

Public Hearing for Aguilar Corporation d/b/a Bar La Cueva, 802 Broadway – Revocation of Amusement & Entertainment License continued from March 7, 2019 Public Hearing. Chair Rossi read the notification of the public hearing and opened the public speaking portion. Present were Attorney John Larsen Dodge, owner Manny Aguilar and Manager Jessy Lemus. Chair Rossi explained that this was moved by Commissioner Guido at last meeting to revoke the Amusement & Entertainment License due to violation of Chelsea Rules & Regulations Section Chair Rossi asked Dodge to present a brief opening statement. Dodge stated that discipline imposed at last hearing has yet to be served; Aguilar is possibly selling within the next week or so and will file with the Commission if that happens; that by taking action at this time would basically close him down; and he requested that the Commission not revoke Amusement & Entertainment License at this time. Houghton stated that there have been no further problems since the last hearing. Public speaking portion closed. Moved by Bongiovanni to rollback the hours of the Amusement & Entertainment License to be consistent with the rollback of the all-alcohol license, 3 p.m. – 11 p.m. Monday thru Sunday, McAteer seconded and voted unanimously.

Public Hearing for Las Pupusas Del Chino, Inc., 92 Washington Avenue – Suspension and/or Revocation of Amusement & Entertainment License for violation including dancing by patrons. Chair Rossi read the notification of the public hearing and opened the public speaking portion. Present were Attorney Christopher and owner Gustavo Serna. Houghton presented complaint and what was found by CPD due to advertisements seen on social media. Mr. Serna is not the manager, his wife runs the location; during visits CPD finds continuance of over-serving; they have a jukebox and three televisions. Commission questioned present hours and reported Monday –Thursday 10 a.m. – 11 p.m. and Friday - Sunday 11 a.m. – 11 p.m. and revisit this twice per year plus periodic inspections by CPD. Christopher reported that the waitress that was found to be dancing with patrons was suspended for two weeks, buckets of beer are no longer served, they are making a conscious effort to be a good business, manager Francisco that posted on social media has removed all postings, concerns of the Commission noted. Vega questioned violations and asked for removal of disco ball. Christopher stated that he visits both locations and manager made mistakes and has been spoken to and this is a case of a breakdown of management. Public speaking portion closed. Bongiovanni motioned to amend the Amusement & Entertainment License to be 12 p.m. – 8 p.m., jukebox and televisions only and be shut down if another infraction occurs, Vega seconded, voted and passed unanimously.

Public Hearing for Pineda Restaurant Corp d/b/a Rincon Latinos Restaurant, 373 Washington Avenue – Alteration of Premises Application. Chair Rossi read the notification of the public hearing and opened the public speaking portion. Present were Attorney John Larsen Dodge and owner Orlando Pineda. Dodge presented evidence of notice to abutters and affidavit; reported renovations are complete and have been signed off of by ISD. Public speaking portion closed. Bongiovanni motioned to ratify occupancy on license after serving of additional suspension, Vega seconded and passed. Dodge questioned additional suspension and was reminded of additional seven day suspension to be served one month after renovations were complete. Rincon Latinos will be closed from 12:01 a.m. Wednesday May 1 – 11:59 p.m. May 7, 2019.

Public Hearing for Wings d/b/a Wings El Corral, 408 Broadway – Suspension and/or Revocation of All-Alcohol and Amusement & Entertainment Licenses. Chair Rossi read the notification of the public hearing and opened the public speaking portion. Present were Co-counselors Jeffrey Rosario Turco and Joel Mazer, owner Jose Pineda and translator for Mr. Pineda. Attorney Turco presented opening statement with included reporting that security had stopped and removed patrons in January; February violations were observations only; Mr. Pineda in process of negotiating sale of premise; admitted there was a strobe light which has since been removed. Officer Joseph Santiago highlighted his report on observing over capacity, observations that owner was drinking, had water bottle but smelled of alcohol and displayed intoxicated behavior. Videos shown and unable to confirm overcrowding issued, stills will be pulled and patrons counted. They have been advised to put together a binder containing required information and place behind the bar; they have not been before the Commission in the past six years. Public speaking portion closed. Commission finds that an over intoxicated person was served, violation

of over occupancy, violation of Amusement & Entertainment License by having a disk jockey/disco lights/dancing by patrons. Bongiovanni motioned to rollback hours Amusement & Entertainment License seven days per week to be 12 p.m. – 8 p.m., Vega seconded, voted unanimously. Bongiovanni motioned to rollback all-alcohol license to seven days per week 12 p.m. – 10 p.m., Rossi seconded, voted unanimously.

Public Hearing for Chelsea Walk Pub, 416 Broadway – multiple violations of the Chelsea Licensing Commission Rules & Regulations. Chair Rossi read the notification of public hearing and opened the public speaking portion. Present for Chelsea Walk Pub, Joel Mazer, Esq., Co-Counsel, Jeffrey Rosario Turco, Esq., Co-Counsel and Angela Palmieri, owner. CPD Captain Houghton reported that they were prepared to show several videos showing the violations that they were before the Commission for. CPD Officer Santiago reported that #18-1145 did not have a video as there was a problem with the backup/storage on the Walk's equipment. The person in question was over served, escorted outside by staff, returned to retrieve jacket as it was cold. The person appeared to be heavily intoxicated. City Solicitor read a communication from City Manager Tom Ambrosino asking the Commission to do the right thing regarding the Walk's violations. CPD presented video for report #18-1165 for violation of disturbance outside of the establishment. Officer Troisi outlined the actions shown on the video. It is suspected that patron brought in his own alcohol which was purchased across the street. The bartender working that night has been terminated and the patron banned by management. CPD presented video for report #18-3450 for violation for selling alcohol/serving an intoxicated person. When patron left establishment and was found on sidewalk out front by CPD, an ambulance was called. The officers spoke to owner who stated she did not know what happened. The next day the patron presented at CPD to make a report. Video was obtained by Officer McLaughlin. At 8:57 p.m. the video does show patron exiting liquor store across the street and entering the Walk; at 9:51 p.m. patron goes outside for approximately three minutes and returns; at 1:15 a.m. at closing time, patron exits the Walk. Attorney Turco showed cell phone video he downloaded from cameras which shows different times. Attorney Turco stipulates to this violation. There was no 911 call made by the Walk. Owner reports that bartender has been terminated and patron barred. The Commissioners they questioned owner as to number of staff to which she replied five at the present. When asked why she terminated them the reply was they don't listen, they don't pay attention to what goes on or what is instructed. When asked how long she'd been a bartender and if she was TIPS certified the response was 20 plus years and currently not TIPS certified as certification had expired. But with all her experience, she knew what to look for in a patron. Chair highlighted the hard work that the downtown task force has been doing to reimage Broadway and the Walk was a problem. Commissioner Bongiovanni spoke about the trouble witnessed by the painter/sign guy who did mural on the walls of the outside. He was threatened on many instances and was in fact glad to leave at the end of the day unharmed. Commissioner Bongiovanni continued to relay years of observations of drunks and drunken behavior when she worked on Broadway. Attorney Turco claimed these were inappropriate comments and she was prejudiced. Chair Rossi stated her observations would be noted but was confident on her ability to make the right decision. Public speaking portion closed.

City Solicitor Watson Fisher asked for findings as to violations:

Finding as to over serving at least one patron – yes

Finding as to serving intoxicated patron – yes

Finding as to disturbance outside of premise (urination and person laid out – yes
Finding as to video surveillance violation – yes but un-willful and excusable –
3 yes, 1 no

Commissioner Bongiovanni, because of the four violations, moved to rollback hours seven days per week to 12 p.m. – 10 p.m., seconded by Vega, passed unanimously. Commissioner Bongiovanni then moved that there be progressive suspensions for the four violations as follows: 1st – one week, 2nd – two weeks, 3rd – 3 weeks and 4th – four weeks, for a total of 10 weeks to be served consecutively; Vega seconded, voted 3 yes, 1 no, passed. Attorney Turco requested stay of suspension pending granting of appeal. The rollback of hours will start immediately.

Motion to adjourn by McAteer, Bongiovanni seconded.

Next meeting Thursday, May 2, 2019 at 6 p.m.