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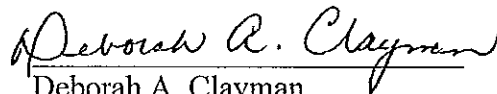
There will be a meeting of the Chelsea Licensing Commission on Tuesday, October 28, 2014, at 6:00 p.m., at the Chelsea Public Library Auditorium, 569 Broadway, Chelsea, MA.

AGENDA

- 1) Minutes of Licensing Commission meeting of September 30, 2014
- 2) New Business (reading of new communications)
- 3) Chelsea Council #83 Knights of Columbus
Building Association, Inc.
194 Broadway (public hearing re disciplinary action)
- 4) Ventura Taxi
19 Fourth St. (conference re complaint)
- 5) Chelsea City Taxi
180 Everett Ave. (conference re complaint)
- 6) Dockside Restaurant
170 Everett Ave. (conference re police report)
- 7) Las Palmas Restaurant
44-48 Central Ave. (conference re police report)
- 8) El Xielo
425 Eastern Ave. (conference re police reports)
- 9) Fatima Washington Deli
373 Washington Ave. (conference re police report)
- 10) Bar Los Recuerdos
14-16 Fifth St. (conference re police report)
- 11) Bella Villa and Nazca Cafe
13-17 Fifth St. (conference re police report)
- 12) El Carriel
9-11 Williams St. (conference re police report)

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- 13) Las Pupusas del Chino
92 Washington Ave. (conference re police report)
- 14) Heller's Liquor Mart
429 Broadway (conference re police report)
- 15) Leadership Motors, Inc.
412 Eastern Ave. (public hearing re Class II License application)


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October 28, 2014

Meeting of the Chelsea Licensing Commission commenced on this date at 6:00 p.m. at the Chelsea Public Library, 569 Broadway. Present: Chairman Jim Dwyer, Commissioners Joe Cooney, Roy Avellaneda, and Ken Umemba. Also present: City Clerk Deborah Clayman, Captain Keith Houghton of the Chelsea Police Department, City Solicitor Cheryl Watson and Asst. City Solicitor Amy Lindquist.

Chairman Dwyer asked "Who is recording this meeting and who retained them?" Steven Gustafson stated that he is videoing for the public hearing re Knights of Columbus. Attorney Daniel Shanahan noted his presence and stated that he is a disinterested party. Rosemary Garland (court reporter) of O'Brien & Levine stated that she was retained by Attorney Daniel Shanahan.

Minutes of Licensing Commission meeting of September 30, 2014 were accepted and filed.

Communication dated October 27, 2014 from the City of Chelsea Law Department re 194 Broadway was unanimously accepted and filed on a motion made by Avellaneda and seconded by Cooney.

Public hearing re Chelsea Council #83 Knights of Columbus Building Association, Inc., of 194 Broadway, commenced. Chairman Dwyer read the public hearing notice.

Frank Henry appeared and stated that he has been a member of the Knights for 33 years and is looking to see if they can continue the matter for 30 days in order for them to work out an agreement with the City.

City Solicitor Cheryl Watson stated that they basically worked out an agreement but it is just not in writing at this time and has not been executed by both parties as of yet. The City Treasurer is aware of it. No payments have been made yet because they want to sign off first. They will have it done prior to the next scheduled Licensing Commission meeting. The attorney asked for two weeks but she informed him that the Commission usually meets the following month. Payment plan is close to \$1,000 a month commencing the execution date of the agreement. Part of the settlement agreement is that if they don't continue to make payments, they will not contest foreclosure. This had an assessment and abatement issue. They have been in negotiations for the past two months. The National Knights of Columbus has been in touch with the City. The City Treasurer has not

seen the agreement in writing yet and has approved the agreement. This would be just a 30 day extension or until the Commission's next meeting. She stated that they are requesting and she is suggesting a continuance, making this a joint request. The tenant still has a lease there and plans to open shortly and has been making payments right along. If the Knights sell the building to the lessee, the proceeds go to the National Knights of Columbus.

Dom Pegnato stated that he is here on behalf of the Knights of Columbus and has been a member since some time in the 1980s. The members found out recently that they owe back taxes, stated Frank Henry and Dom Pegnato. They are not part of the Board of Directors of the Knights.

Umemba asked them if the Board of Directors knew they were coming to this meeting, to which both Dom Pegnato and Frank Henry responded "yes."

Dwyer questioned why someone with authority is not here tonight. Pegnato stated it is a good question. Everyone is now aware of the problem and they are now electing a new Board of Directors and will work on this problem diligently. Dwyer stated he has known Dom Pegnato and Frank Henry since he was 15 years old and holds them in the highest esteem and would take what they say to be the truth. Pegnato stated that the Knights has 125 members.

Umemba stated he is going to hold the City Solicitor responsible and he will give them the benefit of the doubt. If anybody owes taxes here, they will be paid. Frank Henry stated "Trust him, they will be paid."

Avellaneda stated his concern is that when the application was made they noted a list of members and their testimony here tells him that whoever they have on record is not there. Pegnato and Henry stated that they are down there. Henry stated that that they are there three to four nights a week.

City Solicitor Watson stated that they are on the police department's list re compliance checks and we have not received any notification re any violations as of this time. The law states if they want to enter into a payment plan, we have to give them the opportunity to do so, stated Watson. A lot of reaching out has been made and they have complied with the law and it is her job to inform them of that. They had to wait to get the Commission's letter before they got their act together.

Captain Houghton informed the Commission that the police department has no incident reports re the Knights.

Avellaneda made motion to grant continuance until the next Commission meeting in order to allow licensee opportunity to enter into agreement with the City; seconded by Cooney. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes; Dwyer – yes.

Conference commenced re Ventura Taxi re complaint filed. Jose Ventura appeared on behalf of Ventura Taxi.

Jose Ventura informed the Commission that the police report he received from the Commission conflicts with the complaint filed by Deborah Walker re two different amounts of money. He talked to the driver re this matter and the driver told him that that he would take her and she got out and went over to the police. He has suspended the driver until the outcome of the meeting this evening.

Deborah Walker appeared and stated that she had bags of groceries, got into the cab, told the driver where she was going and that he told her that the fare was only \$3 and that he was not taking her and told her to get out of the cab. She told him she was not getting out of the van. He told her he wasn't taking her and that he had another fare. He referred to her to the dispatcher as a gringo. She saw the police and told Officer Hammond of the incident. The driver told the police that Walker was lying and that the incident didn't happen.

Umemba stated that he has no questions, but he apologizes for what occurred.

Dwyer stated that Mr. Ventura has been here before and is a gentleman. He is sure that he will work with her and he doesn't believe that discipline is warranted.

Avellaneda made motion to close conference; seconded by Cooney. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes; Dwyer – yes.

Chairman Dwyer stated that the Commission didn't open the prior public hearing to give the public an opportunity to speak re Knights of Columbus. Avellaneda made motion to reopen public hearing; seconded by Cooney. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes; Dwyer – yes.

Cooney stated that he would like to disclose that Frank Henry is an employee of the City of Chelsea Department of Inspectional Services.

Dwyer stated that he is responding to Avellaneda's written question re whether or not he is or was a member of the Knights of Columbus and stated that he is not a member of the Knights. He was once a member of Explorer Post 109 when he was 15 years old, which was sponsored by the Knights of Columbus. Since 1981 he has never had any association with the Knights and doesn't feel he has any conflict of interest.

Dwyer asked if any member of the public would like to speak regarding continuance or general comments regarding the license issues of Knights of Columbus. No one appeared to speak during the public speaking portion of the hearing. The public speaking portion of the hearing was closed.

Chelsea City Taxi conference commenced. No one appeared on behalf of Chelsea City Taxi. No one appeared on behalf of the complainant. Cooney made motion to close conference; seconded by Umemba. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes; Dwyer – yes.

Conference commenced re Dockside Restaurant re police report submitted by Chelsea Police Department. Jack Urbaczewski appeared on behalf of Dockside. Captain Houghton read police report #14-3242-OF. Urbaczewski stated that the board holding the licenses had fallen and that when it was replaced, the current license was put up and posted behind last year's license. The matter has been corrected and the current license is now displayed properly. Cooney made motion to close conference; seconded by Avellaneda. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes; Dwyer – yes.

Conference commenced re Las Palmas Restaurant re police report submitted by the Chelsea Police Department. Liliana Rivera appeared on behalf of Las Palmas. Captain Houghton read police report #14-3131-OF. Avellaneda asked Rivera if she changed her operating hours. Rivera stated she doesn't always open at 8 am because she is running the business herself. The reason she was closed on 8/5/14 is because her ceiling was damaged and she had to have it repaired. She usually opens at 9 am or when the food is cooked. Avellaneda suggested that she should notify the Commission of her actual operating hours and submit the hours to the Commission for approval. Cooney made motion to close conference; seconded by Avellaneda. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes; Dwyer – yes.

Conference commenced re El Xielo re police report submitted by Chelsea Police Department. Joanna Giraldo appeared with her brother Juan Giraldo on behalf of

El Xielo. Joanna stated that the manager of record Jenny Melguizo would not make it to the meeting this evening. Captain Houghton referred to police reports 14-3378-OF, 14-1848-OF, and 14-3594-OF and stated that on three different occasions between 3:00 pm and 4:00 pm the establishment was checked and each time the business was closed. Joanna stated that they open at 7:00 pm until 1:00 am. Dwyer suggested that she notify the Commission requesting revised hours of operation. She is being notified by this Commission that until the Commission approves a change of operating hours, she is required to remain open in accordance with her current license. Avellaneda made motion to move this matter to a public hearing re hours of operation re lack of compliance re current license; seconded by Cooney. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes; Dwyer – yes.

Conference commenced re Fatima Washington Deli re police report submitted by Chelsea Police Department. Ereik Orellana appeared on behalf of Fatima Washington Deli. Captain Houghton read police report #14-3131-OF. Houghton stated that there is a sign noting that they are under new management and they are open for business in accordance with their license. There is amusement/entertainment equipment still there that should not be in there as per previous instructions of the Commission. Ereik Orellana stated that he is going to be the new manager of the establishment. Juan Ingles is no longer there. Maria Ochoa is the owner and she is in NY. Ereik stated that he has removed some of the equipment and is trying to comply and abide with the Commission's regulations and requirements. Attorney Delyani stated that she was retained by the licensee today and will get the necessary paperwork filed with the Commission forthwith. Avellaneda made motion to schedule a public hearing based on the fact that we have a license in flux regarding the operational status of the license; seconded by Cooney. Dwyer stated that the proposed new manager and owner of the business should be at the next meeting. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes; Dwyer – yes.

Conference commenced re Bar Los Recuerdos re police report submitted by the Chelsea Police Department. Juan Catano appeared on behalf of Bar Los Recuerdos. Capt. Houghton read police report #14-1932-OF and stated that the license has since been posted and that the police department is satisfied. Cooney made motion to close conference; seconded by Umemba. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes; Dwyer – yes.

Conference commenced re Bella Villa and Nazca Café re police report #14-1932-OF submitted by the Chelsea Police Department. Cesar Rojas appeared on behalf

of Nazca Café and Miguel Mendes appeared on behalf of Bella Villa. Captain Houghton stated that they were not in violation as previously explained at the last Commission meeting by City Clerk Deborah Clayman but they didn't understand the rules of the Commission regarding police acting as special agents of the Commission. They now understand that the police have the right to come into the establishment to check the premises. Cooney made motion to close conference; seconded by Umemba. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes; Dwyer – yes.

Conference commended re El Carriel re police report submitted by the Chelsea Police Department. Jose Perez appeared on behalf of El Carriel. Captain Houghton read police report #14-3594-OF. Perez stated that he has concerns re hours of operation because when a sports events occurs they would like to stay open, but will submit a letter as soon as possible. They do not serve food and only operate selling liquor. They are only profitable re liquor sales and when events occur, they might want to request and seek approval of the Commission to remain open for the sporting event. Dwyer stated at this point he suggests that this be moved to a public hearing because we don't know how the licensee wants to address this matter. He would like to research how things were done in the past re special events. Umemba made motion to close the conference; seconded by Cooney. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes; Dwyer – yes.

Conference commenced re Las Pupusas del Chino re police report received from the Chelsea Police Department. Attorney Ann Delyani appeared with Gustavo Serna and Lucia Lopez on behalf Las Pupusas del Chino. Captain Houghton read police report #14-3189-OF. Avellaneda stated he would like to hear from the licensee. Attorney Delyani stated that she had no comments. Avellaneda made motion to move matter to public hearing; seconded by Cooney. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes; Dwyer – yes.

Public hearing commenced re Class II License to Buy and Sell Second Hand Motor Vehicles application of Leadership Motors, Inc., 412 Eastern Ave. Luciano P. Costro e Silva, Rafael Gomes Oriques, and Claudio Pontes (friend and consultant) appeared on behalf of Leadership Motors, Inc. Claudio stated that they are trying to open a Class II business with four outdoor and two indoor spaces. The Class II dealership is currently owned and operated by Edward Marchese of Merritt Park Auto Center. Cooney stated that Leadership has been issued a certificate of occupancy for four outside and two inside spaces and any signage requires approval of the Department of Inspectional Services. Avellaneda made motion to

approve Class II application for four outside and two inside spaces; seconded by Cooney. On the motion: Umemba -- yes; Avellaneda -- yes; Cooney -- yes; Dwyer -- yes.

Conference commenced re Heller's Liquor Mart of 429 Broadway re police report received by the Chelsea Police Department. Jimmy Chan appeared on behalf of Heller's. Captain Houghton read police report #14-1304-AB. Chan stated that employee John Chan was employed for a year and a half and was TIPS certified. Jimmy Chan stated that he is the manager and is at the establishment most of the time. He stated that John Chan's story conflicts with the story noted in the police report. The employee was dealing with another customer when Mr. Ruben was in the store. He had a two second window to engage with this customer before the officer came into the establishment. The officer came in exactly when his employee started to deal with Mr. Ruben. The employee never touched the money and Mr. Ruben was just pointing at what he wanted and Officer Hammond asked for ID and stated that they were selling to an intoxicated person. The employee didn't have enough time to determine whether or not Mr. Ruben was intoxicated. The important thing is that his employee did not have time to determine whether or not to make a sale. No sale was made and he has a video for the Commission's review if they want to review it. They did not make an improper sale to an intoxicated person because there was actually no sale.

Avellaneda stated there is a conflict here and the officer is not here. Avellaneda made motion to move this matter to a public hearing in order to have the officer here and in light of the licensee's statement that the video can be provided he wants to have a copy of the video available to the members of the Commission. Asst. City Solicitor Lindquist stated it should be played here if it is going to become part of the record. Lindquist stated that we can try to work something out with the IT Department or Public Library staff re review of the video. Chan should submit the video to the law department and the law department will submit copies of the video to the Commission members and there should be no discussion re the video prior to the public hearing. Cooney seconded Avellaneda's motion. On the motion: Umemba -- yes; Avellaneda -- yes; Cooney -- yes; Dwyer -- yes.

Rooming House License application of Evelyn Diranian re The Diranian was submitted. Public hearing will be scheduled.

Email communication of October 20, 2014 from City Treasure Robert Boulrice re Diranian, 253-255 Chestnut St. was tabled pending public hearing re The Diranian.

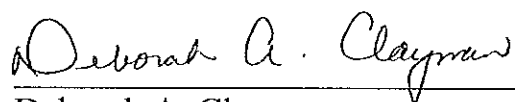
October 28, 2014 (cont'd)

Communication dated October 15, 2014 from Cheryl Graham re French Club of Spencer Ave. was accepted and filed. Conference will be scheduled re operational status.

Change of hours applications of KB Corporation, d/b/a Yogi's Variety of 698 Broadway and Gunatit Corp d/b/a One Stop Market of 138 Central Ave. were accepted and filed. MGL138, s15 license holders will be notified that in accordance with the ABCC Advisory issued Sept. 8, 2014, MGL 138, s15 licensees are entitled as a matter of right to open at 10am and do not need approval of the Chelsea Licensing Commission, but must notify the Commission of the change of hours in accordance with the ABCC's advisory.

MGL 138, s33B, re sales of alcoholic beverages by on-premise licensees on Sundays and certain holidays; sales between 10 am and 12 noon was submitted. Public hearing will be scheduled for next Commission meeting.

Meeting adjourned at 8:45 p.m.


Deborah A. Clayman
City Clerk

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