

Minutes of the March 11, 2021 meeting of the City of Chelsea Licensing Commission.

Location: Chelsea City Hall Council Chambers Room 500 Broadway, Chelsea, MA and Facebook Live. Meeting opened at 6:10 p.m. by Chairperson Mark Rossi.

Commission members present: Chairperson Mark Rossi, Vice Chairperson Emily Cherniack James Guido, Mike McAteer,

Commission members absent: Gladys Vega

Also Present in Council Chamber Room: Licensing Administrator Naomi Libran, Assistant City Solicitor Strehon Treadway, Captain Keith Houghton, Office Joseph Santiago and Officer Nicole McLaughlin.

Chairperson Rossi asked for a motion to accept the minutes of the February 4, 2021, McAteer motioned to adopt, Vice Chairperson Cherniack seconded and vote unanimous.

Clerks Update/New Business:

Licensing Administrator Libran explained the process for outdoor seating based on how well it went last year during Covid-19. The outdoor seating will begin on April 1<sup>st</sup> until November 5<sup>th</sup> or 60 days after end of Governor Baker's Orders and there is a fee associated with the permit. The Licensing Administrator asked for a motion to seek a designation of authority to sign the Outdoor Seating Permits. Chairperson Rossi motioned to adopt, McAteer seconded and vote unanimous.

The hearings on the agenda were called out of order.

Agenda #4

Chairperson Rossi opened the Public Hearing to consider a Change of Manager application of an All Kind of Alcoholic Beverages (Off Premise) License of Fine Mart, LLC at 260-266 Broadway, Chelsea, MA. Present for the petitioner was Attorney Brian McNelis, Owner Diep Ngo and Proposed Manager Brian Ho. Attorney McNelis mentioned that the previous manager had passed away. Now the proposed manager Mr. Ho, he is 26 yrs. old and has been an employee and has earned the trust and respect of the owners of Fine Mart. In 2020 he became a citizen and also, eTips certified. He is well versed in the rules and regulations of the ABCC and City of Chelsea licensing commission. Chairperson Rossi opened the public speaking portion. No one spoke, therefore the public speaking portion was closed. McAteer motioned to approve the change of manager, Rossi seconded and vote unanimous.

## Agenda #5

Chairperson Rossi opened the Public Hearing to consider a Change of Manager application of a Wine and Malt Beverages (On Premise) Consumption License of Nancy Serna d/b/a Rancho Las Pupusas at 36 Second Street, Chelsea, MA. Present for the petitioner was Gustavo Serna, Proposed Manager Maria O. Hernandez and translator Denise Alvarez. Denise stated the proposed manager worked for Tu Casa restaurant for 12 years and has worked for Gustavo Serna. Ms Hernandez has known Gustavo for about 36 years. Chairperson Rossi opened the public speaking portion. No one spoke, therefore the public speaking portion was closed. Guido made a motion to approve the Change of Manager but McAteer asked Ms. Hernandez, you worked for Tu Casa for 12 years, why did you leave, she responded she was laid off. The commissioners questioned the petitioners about the legal holder of the liquor license. The license in question is owned by Nancy Serna, she passed away in January 2021. Gustavo Serna indicated that he was the administrator of Nancy Serna's estate. Chairperson Rossi opened the public speaking portion. No one spoke, therefore the public speaking portion was closed. Chairperson Rossi made a motion to allow the licensee to operate for 30 days conditional upon the transfer of the liquor license at the next meeting of the Commission. McAteer seconded and vote unanimous.

## Agenda #3

Chairperson Rossi opened the Disciplinary Public Hearing to consider revoking, suspending or modifying the All Alcoholic Beverages (On Premise) Consumption License of Wings El Corral d/b/a Wings at 408-414 Broadway, Chelsea, MA. for violating "204 CMR 2.05(2) Permitting an Illegality on the Licensed Premises, to wit: Massachusetts Executive COVID-19 Orders No. 37, No. 40, and No. 52 including Violations of sector specific workplace safety standards for restaurants to address COVID-19", specifically over occupancy limits, no masks, no social distancing. Police Report 20-2909-OF. Present for the petitioner was Attorney James Cipoletta, Jose Pineda, owner, and Sixto Ayala, security. Attorney Cipoletta decided not to make a preparatory remark at the moment. Captain Keith Houghton related that prior to the incident in question, investigators from the Alcoholic Beverages Control Commission ("ABCC") went with officers of the Chelsea Police Department to Chelsea licensed establishments to check compliance with COVID-19 orders. All licensees were warned regarding violations. Captain Houghton further related that following the November 21, 2020 incident resulting in the police report, the Licensee has been fully compliant with COVID-19 orders. The Chelsea Police have conducted compliance checks and have observed that excess seating has been removed; employees and patrons are wearing masks; and employees and patrons are keeping appropriate distance. Officer Santiago presented his report #20-2909-OF to the Licensing Commission along with still photographs. The report indicates that based on a complaint received by Captain Houghton regarding conduct at the licensed premises, Officer Santiago visited the Licensee and

requested video surveillance footage from the night of November 21, 2020. The Licensee produced the requested video on November 25, 2020. The video showed that more than 25 patrons were present and both employees and patrons were away from tables without face coverings, and not maintaining social distancing. The Licensee stipulated to the facts contained in Officer Santiago's report and to the accuracy of the still photos that accompanied it. Attorney Cipoletta noted that the Licensee cooperated with Officer Santiago and that the Licensee had taken steps to correct the violations. In support of this he provided the Commission with photographs showing reduced seating at the premises taken shortly after he received the first notice of violation dated in January 2021. He argued that in the context of changing COVID-19 regulations there was little understanding or enforcement of the requirement of the orders. Security guard Sixto Ayala testified that the night in question he had allowed customers who were waiting outside in the cold for take-out food into the licensed premises. Commissioner Rossi noted that even disregarding the issue of occupancy, no one in the photographs was wearing a mask or maintaining six feet of distance. These were requirements that were well known to the general public. Commissioner Cherniack noted that not even employees were in compliance with well-known requirements. Chairperson Rossi opened the public speaking portion. No one spoke, therefore the public speaking portion was closed. Commissioner Guido motions the roll back the hours of the Licensee's on-premises all alcoholic beverages and amusement and entertainment licenses to 11:00 pm all nights for 60-days.

Meeting adjourned at 7:00 p.m.

Next meeting April 8, 2021

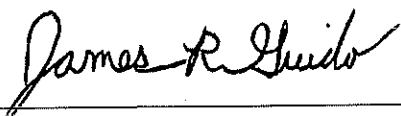
Adopted: April 8, 2011



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