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CLERK OF THE BOARD

MEETING MINUTES

A meeting of the Salem Licensing Board was held on **Monday, September 26, 2016 at 6:45 p.m.**, at City Hall Annex, 93 Washington Street in the third floor meeting room. In attendance: Chairman Bob St. Pierre, Members Rick Lee and Paul Flores, Clerk of the Board, Melissa Pagliaro, Special Investigator, Det. Sgt. Gaudet and City Solicitor Beth Rennard.

AGENDA

1. Discussion and vote on amending Street Performer Rules & Regulations relative to setting a decibel level, amplification and zones for performers.

Ms. Rennard asked the Board to temporarily adopt the amended regulations until the next meeting to give the Licensing Department time to do some additional testing and time to talk to the Police Chief. She said one had been done last week at different spots that performers tend to use. She said these would allow some zones for non-musical performers, some for acoustic and some for amplified but all zones would have a maximum decibel level. Councilor Famico of Ward 2 and downtown resident, said she would like to have a quiet zone from the middle of the pedestrian mall to Central Street. Lynn Lazdowski, co-owner of Bewitched on Essex Street said the noise is unbearable as it is. She said she don't understand how amplification will be added when the noise that is out there now is not controlled. Ms. Rennard said there are also civil rights issues here and the City has to be consistent. Ms. Lazdowski agreed but said this does not help business owners and that as it is they can't hear their customers over performers at times. Adam Katz said he is worried that performers will interfere with the stage set at the fountain. Ms. Rennard said we can measure and try to figure that out. She said the performers will need to be 25 feet away from each other. Phil Wyman said he does have some spots for Entertainment to fill on the stage. Chairman St. Pierre said the LB is not giving up the right to move performers if necessary. HE said this is a destination City and performers are not going to go away. He said the Board is trying to regulate and control them a bit better and we can tweak if we need to.

2. Application for various Street Performers Licenses. Applicants: David Victory, David Bowdre, Joshua Rodriguez, Liam King, Alexis Mears, Mark Taylor, Shane Harty, Peter Niall, Denis Castleton, Chris Dowgin, Nancy Stewart, Tyler Twombly, Shyanne Lizotte, Carolyn Brancato and Mark Farris. Not present were: Lev Neyman, Ed, Matt and Lynda Bowes and William Gavazzi, Eric Dwinnells, and Jeffrey Pearlstein.

Chairman St. Pierre asked if all of the applicants heard the discussion that just happened and understood the rules and the regulations. Applicants said they did. Ms. Rennard said that the updated rules and regulations will be posted on the web site eventually. Sgt. Gaudet

said that the buckets can be loud and asked that they be respectful of businesses and move from place to place. He said the bucket performers were cooperative last year. Mr. Lee motioned to approve. Paul Flores seconded. Chairman St. Pierre said the motion carries.

3. Application for two (2) One Day Liquor Licenses on October 7, for Essex National Heritage Commission at 2 Liberty Street from 2:30-6:30 p.m. for 75 people and December 14, for Salem Partnership at 2 Liberty Street from 5:00-9:00 p.m. for 100 people. Applicant: George McCabe, North Shore Bartending.
4. Application for a One Day Liquor License on September 30, 2016 from 6-8 p.m. Applicant: Lynch Van Otterloo YMCA, Leggs Hill Rd.

The Y decided not to hold the event. The Application was withdrawn.

5. Application for One Day Liquor License on October 8 for Bantam Cider Company at Lappin Park from 2-7 p.m. for 100 people. Applicant: Bantam Cider Company.

Ms. Rennard said the Licensing Department heard from Cpt. Stevens with concerns about this event on such a busy weekend in October. She said that she was not comfortable with having Lappin Park roped off or barriers. Chairman St. Pierre said that Capt. Stevens is the point person for issues like these and especially during October the Board will go by the recommendation of the police. Mandy from the Flying Saucer said there was also an application for Entertainment for that same event. Chairman St. Pierre said he would rather have them talk to the Police Dept. about that. Sgt. Gaudet said that could be a concern if there is a loud DJ there while Police are trying to cross and direct people. Chairman St. Pierre said that they will need to go speak to Captain Stevens about anything further.

6. Application for a One Day Liquor License and Entertainment License on October 31, 2016 from 2-10 p.m. at Federal Street. Applicant: Adam Kline, 92.9 Radio Station.

John Mullot and Ellen Talkowsky presented the application. Ellen said they partner with the City for Haunted Happenings. She said the beer garden and Entertainment stage has been extremely successful. She said they have their own security and there are traffic details while they are setting up and details there during the night. She said it is a big help to draw the crowd toward the trains at the end of the night. John Mullot said that as in the past the stage will go on the corner of Washington and Federal Streets and the entertainment will conclude with the fireworks. Ellen said they would also have a few sponsors set up around the stage and beer tent area. Mr. Flores motioned to approve. Mr. Lee seconded. Chairman St. Pierre said motion carries.

7. Application for a Blanket Vendors License for various events in October for Haunted Happenings 2016. Applicant: Ellen Talkowsky, City of Salem Special Projects Coordinator.

Ms. Talkowsky said that as in years past she is requesting a blanket for a host of events for HH 2016. She said there is a food truck festival for the first time and New England Open Markets is running that. She said that in conjunction with the Witch Museum and a couple of others there will be an Acapella Event on the 8th with a variety of groups performing. She said as in past years the licensing for the Fiesta carnival also comes under this licenses as well as the events on the commons and other various performance stages on Halloween night and individual Acapella performances during the month and the Biz Baz Fair on

October 8th and 9th. She said the fountain stage has some changes and they will present that next.

8. Application for a Blanket Entertainment License for the month of October at the Big Fountain on Essex Street Ped Mall. Applicant: Phil Wyman, The Gathering.

Aaron Katz presented the application for Phil Wyman. He said that Phil has worked diligently to have an actual stage this year along with a sound tent. He said Phil has spoken with business owners and the PEM and has made the stage plans based on those conversations. He said the stage will be in use every Saturday and Sunday. Mr. Flores motioned to approve. Mr. Lee seconded. Chairman St. Pierre said motion carries.

9. Application for a renewal of a sub-licensee Fortune Telling license. Applicant: Lori Gibson for Bewitched.

Lori Gibson presented her renewal application and said she has been with Bewitched for years doing readings and would like to continue to do so. Mr. Flores motioned to approve. Mr. Lee seconded. Chairman St. Pierre said motion carries.

10. Application for Renewal of Store Fortunetelling License and renewal of sub licensee and new sub licensee for Demitrius Athas and Madonna Durfee. Applicant: Angelica of the Angels, Essex Street.

Barbara Safranski presented the Store application and the applications for renewal of her three readers at the store. Mr. Flores motioned to approve. Mr. Lee seconded. Chairman St. Pierre said motion carries.

11. Application for a Store Fortunetelling and two sub licensees. Applicant: Hauswitch, 144 Washington Street and Lisa Kendrick and Cai Sheppard

Erica Feldman is the Store owner. She says it is a newer store that is a with cop and she would like to offer readings and have two readers, Lisa and Cai. Mr. Flores motioned to approve pending the returned CORI checks. Mr. Lee seconded. Chairman St. Pierre said motion carries.

12. Application for an Individual Fortunetelling License. Applicant: David Pzenny, 21 Thomas Circle.

David said that he no longer reads for a store and wants to do reading privately. Mr. Flores motioned to approve. Mr. Lee seconded. Chairman St. Pierre said motion carries

13. Application for renewal of two sub licensees for Magic Parlor. Applicant: Terese Devoe and Carrie Hirshberg.

Robert Fields the owner of the shop presented the applications. He said that they both so tarot readings in his store. Mr. Lee seconded. Chairman St. Pierre said motion carries.

14. Application for a renewal of a sub-licensee FT license for A Sacred Place Wellness Center. Applicant: Anne Malloy

Anne said this is her second renewal with the Sacred Place and she wishes to keep doing readings there. Mr. Flores motioned to approve pending the return of the CORI check. Mr. Lee seconded. Chairman St. Pierre said motion carries.

15. Application for 2016 Psychic Fair for Crow Haven, Essex Street for the month of October.

Lori Stathopolous, owner said that she is looking to hold a Fair for the 2016 season on weekends and the Monday Holiday and will have 6 readers for the fair. Mr. Flores motioned to approve pending the return of the CORI check. Mr. Lee seconded. Chairman St. Pierre said motion carries.

16. Application for a Common Victuallers License. Applicant: Domino's Pizza, Canal Street

Ms. Cashman presented the application. She said they are asking for 25 seats. Mr. Lee said the Licensing Board could only approve hours until 11pm and that they will have to go to the Council for hours after 11pm. Mr. Flores motioned to approve pending the return of the CORI checks. Mr. Lee seconded. Chairman St. Pierre said motion carries.

17. Application for a Common Victualler's License. Applicant: David Winer for Adeas Mediterranean Kitchen, Lafayette Street

David Winer, owner presented the application. He said they are open right now for take-out only pending the Boards approval of the Victualler License. Ms. Rennard asked what hours he would keep. He said he would not be open beyond 11pm. Mr. Flores motioned to approve. Mr. Lee seconded. Chairman St. Pierre said motion carries.

18. Discussion with Leslie's Retreat, North Street, regarding a status update on their liquor license.

Claire Chalifour, owner and her daughter Mary were present. Mary said it's been slow going as no one seems to have interest in Ward 6. She said they will be working with a realtor again. She said there are loads of offers to purchase and move downtown so that is something they have been thinking about. Ms. Rennard said that there is a lot of pressure and this is now a pocket license. Mary said they are entertaining everything. Chairman St. Pierre asked them to come back to the Board in January. Mr. Lee said the clock is ticking and asked them to keep Ms. Pagliaro advised.

19. Hearing: Village Tavern, Essex Street, relative to a complaint of Serving a Minor.

Arthur, Alex and Andrew Ingemi were present along with a bartender by the name of Jessica. Chairman St. Pierre asked Sgt. Gaudet to present his case. He said that he would present his witnesses and then if the Licensee had any question for them or anything to say they could do that. He swore in Salem Police Officer Nancy O'Donnell. Officer O'Donnell said that she has been an officer for 29 years and has training in age requirements for alcoholic beverages and has had experience with arrests of minors. She said on the night on September 8 there was a Cops in Shops operation, where officers go into establishments that serve alcohol checking for underage drinking. She said when her and another officer went into Village Tavern there were two young men with a drink in front of them. She asked the first man for an ID which he presented and asked the 2nd man for an ID and he told her that he was not 21 years old. He said he came with a friend who ordered a drink and that when they did not card him he ordered one and was served without being asked for an ID. Sgt. Gaudet asked Officer O'Donnell if the minor was arrested. Officer O'Donnell said he was not. Sgt. Gaudet said he had nothing further for the officer. Chairman St. Pierre asked Mr. Ingemi (Arthur) if he had any question for the officer. He said he did not and that they made a mistake and he knows this is a serious issue and has no excuse. Sgt. Gaudet asked that the witness be excused. Chairman St. Pierre excused the officer. Arthur

said that college kids are patrons to the establishment but it is not just a college bar. He said they are a restaurant. He said that the bartender had remembered the patron from a couple of weeks earlier when he did come in and presented an out of state ID to verify that he was 21. He said that Jessica has been bartending for 8 years and is very good. He said since this incident they are not taking out of state ID's and if they do the person needs to have a backup such as a passport or military ID. He said they know they can't let this happen again but that is difficult not to take out of state ID's being a tourist City. Alex said that they have since had all servers re take the TIPS certification. He said they now have a scanner and have a full door staff and are asking for two separate ID's. Mr. Lee said that accepting out of state ID's is not OK. Sgt. Gaudet said that if an establishment chooses to take out of state ID's they have no defense. Chairman St. Pierre asked if the machine will validate ID's. Sgt. Gaudet said it would not and that these fake ID's are good and that if needed they should ask for a 3rd ID to verify and be sure. He said this incident happened two weeks after a large meeting at the PD with Licensee to discuss these issues. Chairman St. Pierre said that they have been opened for about four years and this is the first time they have been charges with selling to a minor. He said he would back a motion to have the license suspended for one day to be held in abeyance for one year. HE said that is there is another incident within a year that he would be in favor of adding another day and having them serve the one day held in abeyance. Sgt. Gaudet said the scanner they have is not a new and improved one. That they should consider a more up to date one. Mr. Flores motioned to give a one-day suspension to be held in abeyance for one year. Mr. Lee seconded. Chairman St. Pierre said motion carries.

20. Hearing: Tavern in the Square, Washington Street, relative to a complaint of Serving a minor and Overserving.

Request from Attorney Correnti for the Tavern in the Square to continue to another date for time to review evidence. Mr. Flores motioned to continue to another meeting date. Mr. Lee seconded. Chairman St. Pierre said motion carries.

21. Discussion and vote relative to regulations of downtown business owners' vending on the pedestrian mall and its tributaries.

Ms. Rennard said that these guidelines have been in place for decades but have been cleaned up a bit. She said that retail store fronts will need to notify the Licensing Dept. of their intent to be outside and will reiterate sub leasing of City space and how they can obtain additional spaces if so requested and the restrictions on electricity. Etc. Mr. Flores motioned to adopt amendments to the Retail Guidelines for Essex Street and its tributaries. Mr. Lee seconded. Chairman St. Pierre said motion carries.

22. Communications: None

23. Old/New Business:

*Sgt. Gaudet said there are two incidents at Bistro 118 he is investigating, a fight on 9/24 and a fight with one patron arrested on 9/25. HE said there was a large crowd and no staff appeared to be assisting the incident.

24. Approval of Meeting Minutes from September 12, 2016.

Mr. Flores motioned to approve. Mr. Lee seconded. Chairman St. Pierre said the motion carries.

25. Adjournment

Mr. Flores motioned to approve. Mr. Lee seconded. Chairman St. Pierre said the motion carries.

Melissa Pagliaro
Clerk of the Board

**Know your rights under the Open Meeting Law M.G.L. c. 30A and City Ordinance
Sections 2-2028 and through 2-2033**