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MEETING MINUTES

A meeting of the Salem Licensing Board was held on Wednesday, **April 25, 2018** at 6:00 p.m., at City Hall Annex, 98 Washington Street in the first-floor meeting room. Present was: Chairman Bob St. Pierre, members Paul Flores and Sarah Stanton. Clerk of the Board, Melissa Pagliaro, Special Investigator, Sgt. Doyle and City Solicitor Elizabeth Rennard.

1. Application for a sub licensee fortunetelling license for Crow Haven Corner, Essex Street. Applicant: Nial Hartnett.

Application was approved contingent on CORI being completed. Mr. St. Pierre said he would accept a motion to approve. Mr. Flores said so moved and Ms. Stanton seconded.

2. Application for Street Performers Licenses. Applicants: Charles Robert Carr, Monica Zani, Joseph Savia, Sean McGough, Haley McGough, David Antin and David Moore.

Applications were approved and all present applicants said they read and understood the regulations. Mr. St. Pierre said he would accept a motion to approve. Mr. Flores said so moved and Ms. Stanton seconded. Not present were: Robert Carr, Monica Zani and David Moore.

3. Application for two (2) One Day Liquor Licenses for Historic Salem, Inc. on May 4, 2018 from 5:30-8:00 p.m. for 90 people for the Annual Meeting at 210 Essex St. (Salem Five Comm. Room) and on June 17, 2018 from 5:00-9:30 p.m. for 90 people for Summer Solstice Party at 9 North St.

Both applications were approved. Mr. St. Pierre said he would accept a motion to approve. Mr. Flores said so moved and Ms. Stanton seconded.

4. Application for a One Day Liquor License for SSU on June 9, 2018 for 400 people for an Alumni Event/Outdoor Concert on the North Campus from 6-9pm.

The application was approved. Mr. St. Pierre said he would accept a motion to approve. Mr. Flores said so moved and Ms. Stanton seconded.

5. Application for a One Day Liquor License for SSU/Chartwell's on May 18, 2018 for a 200 people for the Senior Cookout from 12:00 – 4pm.

The application was approved. Mr. St. Pierre said he would accept a motion to approve. Mr. Flores said so moved and Ms. Stanton seconded.

6. Application for fourteen (14) One Day liquor Licenses for NS Bartending, various events as follows:

April 30, Salem YMCA, 1 Sewall Street for Staff Reception for 50 from 6-8pm

May 30, Salem YMCA, 1 Sewall Street for Donor Reception for 60 from 6-8pm

May 1, Gables, 115 Derby Street for a Wedding for 70 from 3:30-8:30pm

May 2, Gables 115 Derby Street for a Dinner & Auction Fundraiser for 150 from 6-10pm for the Phoenix School

June 23, Gables, 115 Derby Street for a Wedding for 200 from 2:30-10:30pm

July 14, Gables, 115 Derby Street for a Wedding for 65 from 4:30-9:30pm

May 3, North Shore CDC, Lafayette Street for a Fundraiser for 75 from 6-9pm

May 24, North Shore CDC, Lafayette Street for a Reception for 70 from 5-7:30pm

June 6, North Shore CDC, Lafayette Street for a Reception for 45 from 5-7pm

June 1, Salem Main Streets, Old Town Hall for a Salem Arts Fest Party for 200 from 6-10pm

June 6, Mazow & McCulloch Law Firm, Old Town Hall for a Cocktail Party for 125 from 5-9pm

May 5, City of Salem Park & Rec, Winter Island for a Kentucky Derby Party for 75 from 4-8pm

June 26, City of Salem Park & Rec, Winter Island for a Drive In Movie Night for 200 from 6-10:30pm.

July 7, Plummer Home for Boys, 37 Winter Island Rd for an Annual Paddle Event for 150 from 10am-2pm.

All applications were approved. Mr. St. Pierre said he would accept a motion to approve. Mr. Flores said so moved and Ms. Stanton seconded.

7. Application for a One Day Liquor License for St. Vasilios Greek Church on June 24, 2018 from 12:00-9:00 p.m. for 150 people for the Greek Family Picnic at the Winter Island Pavilion.

The application was approved. Mr. St. Pierre said he would accept a motion to approve. Mr. Flores said so moved and Ms. Stanton seconded.

8. Application for a One Day Liquor License for Creative Catering on May 26, 2018 from 5-10pm for 150 people for a Wedding Reception and on June 9, 2018 from 5:00-10:00 p.m. for 150 people for a Wedding Reception at the House of Seven Gables, Derby St.

The application was approved. Mr. St. Pierre said he would accept a motion to approve. Mr. Flores said so moved and Ms. Stanton seconded.

9. Application for a One Day Liquor License for A La Carte Parties & Catering on September 22, 2018 from 4:30-10:00 p.m. for 120 people at House of the Seven Gables, Derby St. for a Wedding Reception.

The application was approved. Mr. St. Pierre said he would accept a motion to approve. Mr. Flores said so moved and Ms. Stanton seconded.

10. Application for the approval of nine (9) One Day Liquor Licenses for Salem Arts Association to hold an Art Gallery Opening Reception on May 4, June 3, June 8, July 6, August 3, September 1, October 5, November 9 and December 9, 2018, all for 75 people from 5-8pm and to be held at 211 Bridge Street.

All applications were approved. Mr. St. Pierre said he would accept a motion to approve. Mr. Flores said so moved and Ms. Stanton seconded.

11. Application for a Blanket License on May 4-6, 2018 from 11-7pm for the MA Poetry Festival at the large fountain, areas on Essex Street and Derby Square.

The application was approved. Mr. St. Pierre said he would accept a motion to approve. Mr. Flores said so moved and Ms. Stanton seconded.

12. Application for a One Day Liquor License on June 23, 2018 from 11:00-5:00p.m. for 10,000 people for the Annual Pride Parade on the Salem Common and a Blanket License for Vendors and Entertainment.

Hope Watt Bucci presented the application and said the event will be the same as in previous years and there have never been any issues. The application was approved. Mr. St. Pierre said he would accept a motion to approve. Mr. Flores said so moved and Ms. Stanton seconded.
13. Application to amend an Entertainment License for one day on June 24, 2018 to include dancing and a DJ outdoors on the back patio from 2:00-6:00 p.m. at Flatbread Pizza on 311 Derby St. for a NS Pride event.

Mike Boudo presented the application and said this is a part of the Pride events. The application was approved. Mr. St. Pierre said he would accept a motion to approve. Mr. Flores said so moved and Ms. Stanton seconded.
14. Application to amend an Entertainment License for one day on June 23 for the NS Pride event for a DJ from 2-9pm, and to have Cornhole games on the outdoor patio for the NS Rugby event on June 2, 2018 from 1-5 pm and to add two pool tables to the existing Automatic Amusement License. Applicant: Murphy's, Derby Street.

Mr. Kelly presented the application and said that this is something Pride organizers have done the last several years and there hasn't been any complaint. He said he also permanently wished to add the two pool tables to his Automatic Amusements and the Rugby event is new but doesn't anticipate any issues. All applications were approved. Mr. St. Pierre said he would accept a motion to approve. Mr. Flores said so moved and Ms. Stanton seconded.
15. Application to amend an Entertainment License to include a DJ and Karaoke. Applicant: Jami's Kitchen, Bridge Street.

Len Caffrey presented the application and said they would like to add karaoke and a DJ to his Entertainment License. The Board agreed to a trial period from June 1 to June 30th to add a DJ and karaoke to the outside patio ending at 11pm and agreed to add permanently a DJ and karaoke to the indoor entertainment.
16. Application for a Common Victualler's License. Applicant: Asian Gurus, Inc. d/b/a Genghis Asian Fusion, 179 Fort Ave.

Liam Huong, new owner presented the application. All of the paperwork and required forms were completed. The application was approved. Mr. St. Pierre said he would accept a motion to approve. Mr. Flores said so moved and Ms. Stanton seconded.
17. Application for an Alteration of Premise. Applicant: Notch Tap Room, 283 R Derby St.

Chris Lohring presented the application and said that the extension is so that they can use the parking lot area. He said as of now if there is an event they can't leave the building with any alcohol. Russ Tanzer, property was present and said they have no issues with the proposed use. Mr. St. Pierre said he would accept a motion to approve. Mr. Flores said so moved and Ms. Stanton seconded.
18. Application for a Transfer of a Wine & Malt Package Store License. Applicant: Tasin Atif Enterprise, Inc. d/b/a/ Los Amigos Supermarket at 122 Lafayette St.

Attorney Tom Truwax presented the application along with the new owner Mr. Islam. He said that he is the president of the Corporation and the property manager and that there are two other shareholders. He said they have 20 years of combined experience and have other package stores including Marc's Market, a convenience store on Harbor Street and they are all very well run. Mr. Flores asked if they have scanners to check ID's with. Mr. Islam said they do have scanners. Mr. St. Pierre said he would accept a motion to approve. Mr. Flores said so moved and Ms. Stanton seconded.

19. Application for a Transfer of an All Alcohol Package Store License and a Pledge of the License & Inventory. Applicant: Krishiv, Inc. d/b/a Cosgrove's Liquors, 26 Bridge St.

Mr. Patel presented the application. He said they do not currently have scanners but are going to purchase one. He said the staff are all TIPS certified. Mr. St. Pierre said he would accept a motion to approve the transfer and the Pledge. Mr. Flores said so moved and Ms. Stanton seconded.

20. Application for a Seasonal Wine & Malt Liquor License. Applicant: Cinema Salem, 1 East India Sq.

Paul Ness presented the application and said he is the co-owner of the theatre. He said they need the license to compete as every other place on the North Shore has a liquor license. He said they are asking for a Seasonal Wine & Malt. Mr. St. Pierre said he would accept a motion to approve. Mr. Flores said so moved and Ms. Stanton seconded.

21. Hearing with PLAV, Daniels Street on a complaint relative to noise.

Mr. St. Pierre said he was going to let Sgt. Doyle begin the Hearing. Sgt. Doyle said there was a complaint on March 17 regarding live entertainment that was held at the club and the license doesn't allow for live entertainment. Mr. Sosnowski said he thought it was. Sgt. Doyle said some other issues were addressed in the complaint as well and some abutters are present. Mr. & Mrs. Paul and Sarah Messari, Daniels St. Paul Messari said there was live music on March 17th as well as a couple other times a year. He said that generated a lot of noise and activity in the parking lot of the PLAV. He said he and his wife tried all day to diffuse the noise but their windows are right on the lot they could not. He said at 6pm they called the PLAV twice and a woman answered and said she could not hear them and hung up. He said that this is a densely populated neighborhood with other restaurants in the area and they are a lot less noisy. He said that he does not want any bad blood but like other neighbors they are concerned with the nice weather coming. Sarah Messari said that she wants to work with PLAV and the Licensing Board on the noise and the uptick of people smoking marijuana outside her window. Elizabeth Claus said she has lived on Daniels St. for 3 years. She said she feels as though the PLAV is not considerate to the neighbors. She said she is a nurse in Boston and does not need to be woken up in the middle of the night. Sgt. Doyle said he would also like noted that Councilor McCarthy is present tonight as well. Sgt. Doyle said the other complaints were about the marijuana smoking in the lot, and he says he knows there are still things to be figured out with that, and also noise from after-hours clean up outside of the PLAV. He said he thinks these issues could be taken care of with the proper management from PLAV staff. Sgt. Doyle said it can be an offensive smell and people in the downtown have been arrested for it as offensive behavior. He said there is a valid concern with the nice weather coming and neighbors having their windows open. Mr. Sosnowski said that is understandable. He did say he had a question about the cleanup of bottles. He said no one is there at 3am and he said they don't allow people to drink in the lot. He said the bar manager, Ron Potorski is also present tonight. Ron said that the doors to the club are not open but there is a big

vent on the lot side and he feels noise may escape from that. Sgt. Doyle said that maybe going forward bottles are saved until the morning to be taken out to lot and maybe some signage about smoking in the lot. He said he thinks maybe the entertainment hours for what they are allowed should be rolled back to 11pm. Mr. St. Pierre said that a liquor license is a valuable item. He said he recalls some complaints from neighbors a couple years back regarding noise as well. He said he would agree with rolling back the hours at this time until they get a handle on issues. He said the Board does not want to punish anyone. Mr. McCarthy said he would like to thank Sgt. Doyle for being very pro active on this issue and being very helpful with the neighbor's concerns. He said he is confident these couple of issues will work themselves out under PLAV management. Mr. St. Pierre said the club has been there a long time. Mr. St. Pierre said he would accept a motion to amend the entertainment hours until 11pm and for the club management to address the other issues. Mr. Flores said so moved and Ms. Stanton seconded.

22. Hearing with Bistro 118, Washington Street on a complaint relative to overserving and a fight.

Police responded to report of a large, loud crowd causing a disturbance outside Bistro 118 at 12:45 am on February 10, 2018. Five cruisers and the street Sergeant responded. Bistro staff were not assisting in any way to move the crowd along.

As the crowd was moved out, officers observed a female on the bench outside of Bistro 118. The female, identified as Rose O'Malley, emitted a strong odor of alcohol, was barely responsive and unable to walk. Due to her condition, O'Malley was transported by ambulance to North Shore Medical Center.

A patron of Bistro 118, E. Nina, reported that O'Malley had been drinking at the Bistro for "a while" and that she was told by an unidentified person that someone possibly slipped a pill into her drink hours earlier. No evidence was found indicating a pill was in fact put into O'Malley's drink. Bistro had installed cameras inside the establishment, but they were not working on February 10, 2018.

Bistro 118 submitted a written, notarized statement from Carlos Nazario, a bouncer at Bistro 118, in which he stated that he was working on February 10, 2018, was attending to the crowd as police arrived and had been notified that someone put a pill into O'Malley's drink. He stated he was attempting to attend to O'Malley but police instructed him to leave. Nazario's statement is not supported by the testimony of officer Gagnon or either of the two police reports.

Yiung Hiong, the bartender on duty at Bistro 188 on February 10, 2018 testified that O'Malley and a male patron arrived at Bistro 118 at approximately 11:30 pm on February 9, 2019. She reported they were served three vodka and cranberry drinks, one by the owner Frandy Xu and two by her. The first drink served by Hiong was at approximately 11:45 pm. She reported that the couple were kissing and attempted to get into the kitchen. At some point, she observed that the woman couldn't walk. She reported that someone said that maybe someone put a pill in her drink.

Hiong reported that she did not call the police about a pill being placed in O'Malley's drink, that she noticed O'Malley's inability to walk, but did not take any action because the bouncer was close to O'Malley and moving her out of the restaurant at last call.

The police report of February 10, 2018 and testimony are very similar to an episode not even one year earlier where there was a very large crowd and fight and a woman that had to be transported for medical treatment after being overserved.

Concluding Findings: Between approximately 11:30 pm and 12:40 am, just over one hour, O'Malley was served three hard alcohol drinks while O'Malley's unusual behavior (attempting to get into the kitchen) was noticed by Bistro 118 staff and they had a report of an alleged pill dropping into O'Malley's drink. Staff observed O'Malley unable to walk but took no action other than to see that she was out of the premises.

Discipline: Based on the evidence presented and the findings of the Board, the Board hereby imposed the three (3) day suspension held in abeyance on June 5, 2017. Such suspension is to be served on a Friday, Saturday and Sunday, June 1-3, 2018.

23. Old/New Business: NONE
24. Approval of Meeting Minutes from March 7, 2018.
25. Adjournment

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**