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CLERK OF THE BOARD

LICENSING BOARD MEETING MINUTES

A meeting of the Salem Licensing Board was held on Monday, **August 24, 2020** at 6:00 p.m., via ZOOM, an online video conference call system. Present on call were: Chairman Gary Barrett, members Deb Greel and Gary Santo, Clerk of the Board, Melissa Pagliaro and City Solicitor Elizabeth Rennard. Absent was Special Investigator to the Board, Sgt. John Doyle.

1. Application for several Street Performers. Applicants: Kevin Gomes, Rosa Kronillis, Antonio Cirulol, She Cutler, Jeff Bianchine, Danielle Kunis, Brendan O'Hara and Michael Kaskiewicz.

Brendan O' Hara, Michael Kaskiewicz, Jeff Bianchine and Danielle Kunis were present. Ms. Rennard suggested that the Board hold off on approving any new licenses until we get further guidance from the State, which she has requested. She said that the guidance State official provided Salem requires performers to be 25' away from audience members. This, she said, is virtually impossible to do on the Essex St. Mall where most street performers set up. She added there is an extra concern because Salem is currently a red community. Mr. Barrett said he agreed with Ms. Rennard's suggestion to hold off until the next meeting. Ms. Greel motioned to continue until the meeting on September 14, 2020. Mr. Santo seconded. Mr. Barrett said motion carries. Vote was confirmed by a roll call vote, 3-0.

2. Application for a Common Victualler Change of a D/B/A (currently Richdale). Applicant: Redwan International at 72 Loring Ave.

Pervez Chowdhury owner presented the application. He said that the Richdale franchise was too costly and he would like to operate as an independent store called Big Apple food Shop. He said his corporation is staying the same and just the name of the store is changing. Ms. Greel asked if he checked the availability of the name because a Maine company uses the name. He said that he checked and it is fine. Ms. Greel motioned to approve. Mr. Santo seconded. Mr. Barrett said motion carries. Vote was confirmed by a roll call vote, 3-0.

3. Application for a new Store Fortunetelling License. Applicant: Pentagram, Tim Regan at 282 Derby St. Rear and for Four (4) sub licensees. Applicants: Leanne Marama, Angelique Griffin, Carol McPhail and Paul Orr.

Mr. Regan presented the application. He said he has managed many stores over the years in Salem and now he and Leanne Mirama are opening up their own shop. He said that it will be located in the Rear of 283 Derby St. in the Salem Beer Works building by the Witch Trial Memorial. He said he is applying for a new Store license and four sub-readers. Mr. Santo motioned to approve pending the CORI checks. Ms. Greel seconded. Mr. Barrett said motion carries. Vote was confirmed by a roll call vote, 3-0.

4. Application for a renewal of a Store Fortunetelling License. Applicant: New England Magic, Joanna Thomas, Essex St.

Ms. Thomas presented the application for renewal. She said it is just for the store and currently has no readers. Ms. Greel motioned to approve. Mr. Santo seconded. Mr. Barrett said motion carries. Vote was confirmed by a roll call vote, 3-0.

5. Application for a Change of Manager. Applicant: PLAV, Daniels St.

Ms. Rennard informed the Board that the application was incomplete. Ms. Green stated that once they have submitted an application they can request to be placed on a later agenda.

6. Application to Transfer an Annual All Alcohol License. Applicant: Dodge Area Restaurant LLC at 221-231 Washington St., the Hampton Inn. (license formerly Ward II Social Club)

Dustin Denunzio and Attorney John Aieta presented the application. Attorney Aieta said that this is the license that formerly belonged to the Ward II Social Club so they are seeking a transfer, a change of license type, and a change of location. He said Mr. Denunzio has over 20 years of experience. He said the hotel is mixed with restaurant space of about 11,000 square feet, retail space and 56 apartments. Ms. Pagliaro asked for the hours of operation for the restaurant. Attorney Aieta said they would like full operating hours even if they don't operate all the time under them so that they are not restricted. He said they would request the hours be from 8am-1am seven days a week. He said the hotel is set to open in mid-September. Ms. Rennard said all paperwork was in order and ready to send to MA ABCC. Ms. Greel motioned to approve. Mr. Santo seconded. Mr. Barrett said motion carries. Vote was confirmed by a roll call vote, 3-0.

7. Application for a Common Victuallers License. Applicant: Kalamata Corporation d/b/a Red Line Café at 188 Essex St.

Aris Tzavaras presented the application. He said he is purchasing the business and that they are not changing anything. He said the hours will be seven days a week from 7am-9pm. Ms. Greel motioned to approve. Mr. Santo seconded. Mr. Barrett said motion carries. Vote was confirmed by a roll call vote, 3-0.

8. Application for a Class II Auto Dealers License (cont'd from prior meeting). Applicant: E.A. Bonilla Two Corp d/b/a Prestige Auto Sales, Inc. at 50 Broadway.

Eddy Bonilla presented the application. He said he would like to add a Class II license to the location of his body shop and said he did previously have a Class II at 142 Canal St. He said he was allowed 25 cars at that location but is only asking for 10 for the Broadway location. Ms. Rennard stated that she has been contacted by abutters who are concerned with this additional use. Mr. Bonilla said he never had any problems with the neighbors, so he is surprised to hear of any now. Ms. Rennard said there are some abutters that would like to speak on this application. Mr. Barrett opened it up for them to speak. Ms. Rennard suggested that the Special Investigator go out for a site visit. She said that used to be done before issuing a license. She also said we need to know how many cars he is looking to keep on the lot for sale at a time and a plot plan of the property. She said our regular Investigator is out right now but there is a temporary officer and he can go out. Ms. Pagliaro said she will coordinate that with him. Brianna Mackey, neighbor, said she has no issue with the license being issued but has some concerns she would like to have heard. She said one side of the street is residential parking because of the businesses on the street and that it is a tight street. She asked where customers would park because they can't park in resident only parking and what the hours would be. She asked how many cars he'd be selling and how many is he allowed for his auto shop and where all the cars will be housed. Mr. Bonilla said the hours would be Monday-Thursday from 8am-6pm and Friday 8am-5pm and no cars would be sold on weekends or holidays. He said the front of the business will be left open for customer parking and there is additional space on either side of the business. Mr. Santos motioned to continue until the September 14th meeting so that a site visit can be done with Officer Manninen. Ms. Greel seconded. Mr. Barrett said motion carries. Vote was confirmed by a roll call vote, 3-0.

9. Application for a Lodging House License. Applicant: Ocelot Operation, LLC at 2-4 Howard St.

Dan Bowtinik presented the application. Ms. Rennard said this is an application for a new owner. She said it has been a Lodging House since the 1970's. She suggested that the Board might want to address getting parking passes in the garage for tenants to deal with some of the abutter's concerns. Mr. Bowtinik said he is the Manager of Operations and is the one purchasing 2-4 Howard St. He said he is aware parking is tight. He said they are going to clean up the building and make it more desirable. He said he won an award for the work he did to the property at 161-162 Federal St. He said he has owned many properties in the Point also. He said there are 11 rooms and he will be adding two more bathrooms. Ms. Rennard said there are some abutters that have some questions and concerns that would like to speak. Alden Hathaway and his mother own the property at 8 Howard. He said his house is sandwiched in between two rooming houses. He said 10 Howard is always a problem and that 2-4 Howard has had issues on and off, between parking issues, drug overdoses and noise. Ms. Rennard asked if Mr. Hathaway has had issues with the current management of 2-4 Howard. Mr. Hathaway said he has in such that they come onto his property without permission, the fence hanging in his yard that won't be fixed and he cannot get in touch with manager if there are issues. Ms. Rennard suggested that Mr. Bowtinik give his number to Mr. Hathaway so that he can contact him with any issues. Mr. Bowtinik said that his management company has phone staff 24/7 and that they want to be good neighbors. Tim Walsh said that he lives at 5 Howard St. and agrees with what Mr. Hathaway said. He said there have been several long-term neighbors at 2-4 Howard and he hopes that they stay. He said there has not been a lot of maintenance at least to the outside of the building done in past years and it looks in disrepair. He said he just wants to know what the Licensing Board will do if there are continued issues. Biff Michaud owner of the Witch Museum said that he has the same concerns as the others as well as there being a big problem with trash in that area and rats. He said there has been police issues and parking issues. He said that it is a great neighborhood and everyone else tries to maintain it except for the owners of 2-4 and 10 Howard St. He said he is hopeful that the Licensing Board is sensitive to the rest of the abutters and the new owners keep up maintaining the property. Mr. Bowtinik said he thinks the neighbors will be pleased with the way he will maintain the property. He said that he will be happy to meet with all City Departments but that he hopes the vote to approve the application moves forward before that as to not delay his closing. Ms. Greel said it is hopeful that he already has a good record with the City. She said conducting these one stops is a good thing and really important. She said that Mr. Bowtinik seems committed. Carol Soloman said she is a tenant at 8 Howard St. She said she is pleased to hear the new owner is keeping most of the tenants currently there. She said as long as the Licensing Board will take seriously what he is saying and hold him accountable on how he will run the property, she supports the application. Mr. Bowtinik said that he believes his track record in Salem speaks for itself. He said he is to close next week and he hopes the Board will vote to approve the application tonight. Mr. Michaud asked if the new owner would email his contact information to him. He says he has no issues with the application if he does what he says he will do. Mr. Santo asked how the renewal process goes. Ms. Pagliaro said that all the Lodging House License's renew annually in December. Kathleen Hartman from 7 Howard St. asked where the neighbors can go if there are issues before renewal time. Ms. Rennard said that she should be in touch with Melissa in the Licensing Department if there are concerns so she can inform the Special Investigator and he can bring any issues to the Board. She said those can then be reviewed at renewal time. Mr. Barrett asked if there would be a live-in house manager. Dan said he hadn't planned on it at this time. Ms. Rennard said that he must name someone but that can be discussed. Mr. Santo said that it is good that the Licensing Board can revisit if things are not being done. He said that the license can always be rescinded and the Mr. Bowtinik will now own the property.

Mr. Santo motioned to approve with the condition that new owner meet with the Licensing Dept. and Health Agent and the Building Inspector about any concerns they have with the operation. Ms. Greel seconded. Mr. Barrett said the motion carries. Vote was confirmed by a roll call vote, 3-0.

10. Application to apply for Outdoor Entertainment. Applicant: Gulu-Gulu Café, Essex St.

Ms. Rennard said they are looking for a DJ, a solo musician, trivia and paint and sip. She said the outdoor hours they are looking for are Sun-Thurs from 6-8pm, Friday and Saturdays from 6-9pm. The entertainment will be held in the grassy area and be 25 feet from any patrons. She said that the decibel limit in that area per ordinance is not to exceed 73 decibels. She said they are working with Blue Fez on the entertainment. The sound is to be measured from 15 feet of the perimeter of park. From the public, Heather Famico, 195 Essex St. asked if it would be measured from the perimeter or from the speaker. She asked if the Board can overrule what the ordinance says. Ms. Rennard said that based on location of performer, she recommends using the property line. She noted the entertainers must be 25 feet away from patrons. Ms. Famico said she believes the police need to be further trained on how to measure noise and the decibel readings. Ms. Rennard discussed speaking with acting Chief King to talk about that. Ms. Famico said that she checked with the Police today and said that if an officer doesn't respond to a call there is essentially no record of the call. Ms. Greel said that she looked up the regulations and looked up 73 decibels which is about equivalent to the sound of a busy restaurant. Mr. Santo motioned to approve with the provision that Ms. Rennard have a conversation with the Acting Police Chief and look into the Ordinance further. Ms. Greel seconded. Mr. Barrett said that the motion carries. Vote was confirmed by a roll call vote, 3-0. (Note: following the meeting and discussing Ordinance with the applicant, permit to be issued until 8 pm only as provided in the Ordinance for this location.)

11. Application to amend Outdoor Entertainment License. Applicant: Brodie's Seaport, Derby Street

Ms. Rennard said that they are looking for outdoor patio entertainment with amplified music with one or two musicians Friday-Sunday from 4:00 to 10:00 p.m. Joel Votto of Brodie's presented the application. He said that the guidelines have been confusing. He said he would like to add a little amplification and a person singing because patrons cannot hear the way it is now. He said all the businesses around has it, but he has not been granted the same. He said he will meet the requirements. Ms. Rennard said any performers are required to be 25 ft from performers. Mike McGee who lives across the street from Brodie's said that when Brodie's came before the Board in June to get a license for a trial period, they broke all the rules the first five times they had entertainment. He said they are different from other places where Brodie's is surrounded by residences. He said that not all places are surrounded by homes so entertainment will affect people differently. He said this was all discussed with Joel and the Board in June and everyone agreed. He said they would like to see the entertainment kept the way it was discussed and agreed in June. Ms. Greel asked about first nights of trial period in June. Mike McGee said that the first five times they had entertainment during the trial they did what they were not supposed to do. Mr. Votto said it was not five consecutive nights. Chris Ouellette said he lives in the Salem Waterfront Apartments and he said the noise from Brodie's is very loud. He said his place faces the Brodie's building. He said the Waterfront has entertainment, but it is pointed to the parking lot and water. He said amplified music would be unbearable and unacceptable. Mr. Votto said this is a hard time for everyone with COVID and he is doing what everyone else is doing to try and survive. He said that before COVID indoor music on Fridays, Saturdays and Sundays was a big part of his business and there were no problems. He said he is trying to survive, and summer is almost over, there are only a couple months of busy season left. Mr. Santos motioned to approve up to two musicians, only vocals allowed to be amplified, no amplified instruments, on Fridays and Saturdays from 4-10pm with a decibel level set at 73 measured 15 feet from the property line. Ms. Greel seconded. Mr. Barrett said that the motion carries. Vote was confirmed by a roll call vote, 3-0.

12. Application to amend Outdoor Entertainment License. Applicant: Village Tavern, Essex St. Mall

Ms. Rennard said that they are looking to have an outdoor DJ from 9pm-12:30am. Andrew Ingemi of Village Tavern was present. He said he did not realize that once outdoor dining moved outdoors, he needed any sort of additional license for Entertainment. He said he also wasn't aware of any complaints that had been called into the Police. He said they are a different site from an establishment like Brodie's. He said they don't have any abutters close to them. He said that in normal times they coordinate with PEM and never have any issues around entertainment. Ms. Rennard said that there have been several complaints from an Essex St. resident. She said there may have been some confusion from the Health Dept. with moving the dining outdoors and establishments not realizing they needed to amend entertainment as well. Andrew said they now have the DJ set up outside but with the music being fed into the restaurant and piped out on the patio speakers. He said that's what they did last weekend and he thinks it was better. Heather Famico, 195 Essex St. said he is applying for the outdoor DJ from 9pm-12am. She said she reached out last week to the Legal Dept. to get the applications and got them today. She said she has called the non-emergency line over 12 times starting at 10pm to complain. She said calls went out past 12 at 12:26 am and 12:29 am. She said she has observed a 15-person security team on the patio smoking and not wearing masks. She said they have gone way past what would be allowed. She said she does not feel as though 12:30 am is acceptable. She said she would like to see the Licensing Board do something. She said the DJ and the flashing lights makes Village Tavern look like a disco tech. Mr. Santos asked if the outdoor dining is set up for food and drinks and why do they think it is necessary for a DJ. Andrew Ingemi said they serve food right up until 12:30 am. He said they have a late-night menu and that they are not currently using TV's and just for people to relax and enjoy. Ms. Greel asked if there were any complaints since having DJ music piped inside to be played on speakers. Mr. Ingemi said he didn't think so. Ms. Greel asked what the complaint was. Mr. Ingemi said he believes it was because the DJ was just playing straight out from the patio a couple of weekends ago. He said not much can be heard from the mall because they are so set back but he understands the noise may travel off the brick. Mr. Millar from 29 Boardman St. said he was surprised to hear owners saying that there are no TV's there. He said if you go by now there are TV's all on the patio. He said he doesn't go downtown much but when he does the one place he is afraid to walk by is Village Tavern at night. He said you can hear noise from the Village Tavern at 1:00 a.m. He said before COVID you could walk by and hear it from the inside with the doors closed. Mr. Santos said a DJ out on patio makes it seem like a dance party. Mr. Ingemi said that people just want to be able to go out on Friday and Saturday nights. He said they are strict with the face mask requirements and social distancing. He said the DJ is streaming the music through the same speakers they have had all along. Ms. Rennard suggested that the Board allow DJ generated music through the speakers at a maximum decibel level of 78 being measured 15 feet away from the edge of the outdoor dining area. Ms. Famico said that she would urge the Board to set it lower than that. She said that there was nothing else around before and 78 was too loud. Mr. Ingemi said there are no residents directly residing by them and that he does not agree with lowering the decibel limit. Mr. Santos said the Board is trying to be consistent. Ms. Rennard said she would change her recommendation to 73 decibels. Ms. Greel motioned to approve a DJ with music being piped into speakers that are to be placed on the side of the patio facing the PEM, not reading higher than 73 decibels on Friday and Saturday nights from 9-11pm. Mr. Santos seconded. Mr. Barrett said the motion carries. Vote was confirmed by a roll call vote, 3-0.

13. Application to apply for Outdoor Entertainment. Applicant: Brother's Taverna, Derby St.

Manny Cruz and Maz Mahoudian, owners, were present. Maz said that they were looking to have a DJ to set music up through a Bluetooth speaker. Mr. Santos asked again why the need for a DJ. Mr. Cruz said that sometimes they mix the music. [Mr. Millar from Boardman St. said he does not have a problem with them except a time should be noted, when they were playing music that should not have been being played using the N word and swears.] Mr. Cruz said that happened once and the issue was addressed and taken care of right away. Mr. Santos said that they have to be sensitive to that issue. Ms. Rennard said she recommended hours would be Sunday thru Thursday from 6-10pm, Friday 6-11pm, Saturday from 3-11pm and Sunday from 1pm until 9pm. Ms. Greel motioned to approve the above hours with a decibel level set at 78 when taken 15 feet from the property edge. Mr. Santos seconded. Mr. Barrett said that the motion carries. Vote was confirmed by a roll call vote, 3-0.

14. Application to amend Outdoor Entertainment. Applicant: Regatta, Pickering Wharf

Ms. Rennard said they are looking to have a DJ, acoustic musicians and trivia on Monday, Tuesdays and Wednesdays from 6-10pm Thursdays until 9pm and Friday, Saturdays and Sundays until 11 pm. Ryan Miller, manager of Regatta, said if they could go most nights until 10 and weekends until 11 pm, he would appreciate that. Mr. Greel motioned to approve forms of entertainment mentioned above Sunday through Thursday from 6-10pm and Fridays until 11pm and Saturday and form 2-11 pm and Sundays from 2-10pm. Decibel level limit 73 decibels measured 15' from property line. Mr. Santos seconded. Mr. Barrett said that the motion carries. Vote was confirmed by a roll call vote, 3-0.

15. Application to apply for Outdoor Entertainment. Applicant: Opus/Turners, Rear One Salem Green.

Ms. Rennard said that they are looking to have outdoor amplified music daily from 6-10pm Monday through Thursday, 6-11pm Fridays and Saturday and Sundays from 12-10pm. She said entertainers will be located on the shared outdoor Salem Five space between Turners and OPUS. Decibel limit to be set at 78 and measured from the edge of the property line. Mr. Santos motioned to approve. Ms. Greel seconded. Barrett said that the motion carries. Vote was confirmed by a roll call vote, 3-0.

16. Application for a Conversion of a Liquor License from an Annual Wine, Malt & Cordial License to an Annual All Alcohol License done through Home rule Petition, Chapter 108 Acts of 2020. Applicant: Blue Fez, Inc. d/b/a Blue Fez Restaurant at 118 Washington St., Unit C.

Ms. Rennard said that the business holds a license now but through a special act has been approved for a conversion to an Annual All Alcohol License. She said that the business will have to pay an amount into the Economic Development Fund but asked the Board to hold on that amount until we see what the license for the old Bistro 118 is auctioned for on August 27th. The Board does need to approve the application for it to be sent to the ABCC though. Ms. Pagliaro said that all the paperwork is in order. Mr. Santos motioned to approve. Ms. Greel seconded. Barrett said that the motion carries. Vote was confirmed by a roll call vote, 3-0.

17. Approval of Meeting Minutes from meeting on July 13, 2020. The Board had not reviewed so held approval until the September 14, 2020 meeting.

18. New Business/Old Business

Ms. Rennard stated that Open meeting law complaints have been filed by Heather Famico. Two complaints, specificity of agenda items and posting of meeting meetings, are open meeting law matters. The other complaints related to the production of documents and board member names and special investigator name (replacement) not being up to date on website. Ms. Rennard said the documents were provided and website updated. The open meeting law matters will be put on the next agenda.

19. Adjournment

**Know your rights under the Open Meeting Law M.G.L. c. 30A §18-25
and City Ordinance Sections 2-2028 through 2-2033**