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CLERK OF THE BOARD

LICENSING BOARD MEETING MINUTES

A meeting of the Salem Licensing Board was held on Monday, September 14, 2020 at 6:00 p.m., via ZOOM, an online video conference call system. Present on call were: Chairman Gary Barrett and member Deb Greel, Clerk of the Board, Melissa Pagliaro, City Solicitor Elizabeth Rennard and interim Special Investigator to the Board, Eric Manninen. Absent was member Gary Santos, Jr.

1. City Solicitor update on status of various Street Performer's Applications and current license holders for reminder of 2020. No vote anticipated on pending applications. Awaiting Board of Health Guidance.

Ms. Rennard said that the Board of Health will probably not be inclined to agree with establishing entertainment zones. She said it does what we don't want to do, gather crowds. She suggested that this discussion be continued until the next meeting.

Jeff Bianchine and Daniella Kunis of North St. said that they are both musicians and would like to stress that this is also an economic crisis. He said he thinks the majority of Street Performer applications are those who are unemployed and said this is a financial concern to musicians.

Mr. Barrett said they will await further guidance from the Board of Health.

Heather Famico of 195 Essex St. said she is glad to hear the comments from the applicants but that the decibel level is too high and the noise level is loud. She said that if someone calls the Police Department to complain there is no actual record of it unless an officer is actually dispatched out.. She said this is frustrating for residents as well as police.

Brendan O'Hara of 9 Barton Sq. said he echoes what Mr. Bianchine said and said that he has been unemployed since April and was hoping to be able to spend the next six weeks making some money. He said he understands there is a pandemic but that people need to make money and would ask the Board to expedite approving these applications. Michael Kaskiewicz of Essex Street said he also agrees with the other applicants and said restaurants can have entertainment and he hasn't seen one that has complied. He said he would ask that applications to be approved with and amendment that make the performer responsible for the crowd.

Ms. Greel motion to continue until the next meeting. Mr. Barrett seconded. Vote was confirmed by a roll call vote, 2-0.

2. Application for a renewal of a Sub-licensee Fortunetelling License at A Sacred Place Wellness Center, Witch City Mall. Applicant: Jennifer Zenovia Limberakis.

Ms. Pagliaro said the paperwork is in order and only pending the CORI. Ms. Rennard recommended the application be approved. Ms. Greel motion to approve pending the CORI. Mr. Barrett seconded. Vote was confirmed by a roll call vote, 2-0.

3. Application for three Sub-licensee Fortunetelling Licenses at Crow Haven Corner, 125 Essex St. Applicants: Colleen Grady, Christina M. Venezian Doran and Adam Latin.

Ms. Pagliaro said the paperwork is in order for all three applicants. Ms. Rennard recommended the application be approved. Ms. Greel motion to approve. Mr. Barrett seconded. Vote was confirmed by a roll call vote, 2-0.

4. Application for a Change of Manager at Gulu-Gulu Café, 247 Essex Street. Applicant: Steve Feldman.

Ms. Pagliaro said that the paperwork is in order. Ms. Rennard recommended approval. Ms. Pagliaro said it is the owner who is applying to be manager. Ms. Greel motion to approve. Mr. Barrett seconded. Vote was confirmed by a roll call vote, 2-0.

5. Application for a Class II Auto License at 50 Broadway. (Continued from August 24, 2020 meeting). Applicant: Prestige Auto Sales, Inc. Applicant seeking authorization to sell up to ten vehicles.

Ms. Rennard said that after she and Ms. Pagliaro reviewed the aerial of the land it is a very congested area. Ten vehicles on the lot and three spaces for customer parking out front is a lot. It is recommended that no more than 5 cars be approved. Ms. Rennard said the applicant should submit another drawing. Ms. Pagliaro said she would contact him to do another one. Ms. Brianna Mackey of 228 Canal St. said that it is currently a mess with cars all over now. She said cars from all businesses park on the resident parking side and the street is very congested. She said parking is a big concern and that sometimes cars from the applicant's auto body shop sit for months. Heather Famico of 195 Essex St. suggested that the involved parties speak with the Planning and Traffic Departments and said there is a lot going on in that area with new building on Canal St. Mr. Barrett said the Board needs a new plan to review. Ms. Greel motioned to continue until the next meeting. Mr. Barrett seconded. Vote was confirmed by a roll call vote, 2-0.

6. Application to amend an Entertainment License to include outdoor entertainment for up to two amplified performers. Outdoor Entertainment proposed for Thursdays only 5:00 to 8:00 p.m. with rain date Sundays 5:00 to 8:00 p.m. Applicant: VFW, 95 Derby St.

Alexander Tilkins presented the application and said the club is only looking for one night of outdoor entertainment to consist of amplified single or duo on Thursdays from 5-8 pm with a rain day of Sundays. He said they will follow the 25 ft distancing and they have plenty of room in their large lot to accommodate that. Ms. Greel asked about the decibel limits in that area. Ms. Rennard suggested they be set between 73 and 78 like all the others have been. Ms. Greel said that where it is a high residential area it should be 73. Mr. Tilkins said the customer base is older and the music will be mellow but to let him know if there are any issues. Heather Famico of 195 Essex St. asked what the exact procedure is if there is a complaint. She said again that if a police call is made and an officer does not go out there is no record of the complaint. Ms. Rennard said that if there is an issue to contact the Licensing Board and Ms. Pagliaro will get in touch with the Board Investigator. Ms. Greel motioned to approve above with a decibel limit of 73 measured from the property line. Mr. Barrett seconded. Vote was confirmed by a roll call vote, 2-0.

7. Discussion and vote on response to two Open Meeting Law complaints filed by Heather Famico: 1) Meeting minutes not posted online in time allotted per Ordinance and 2) Meeting agendas not meaningful, clear or specific per Ordinance.

Ms. Rennard said that she would recommend to the Board that minutes will be posted 2 weeks after meeting or no later than 21 days. She also said that the minutes are not a transcript and only needs to contain the pertinent information.

She said on the second issue, agenda items themselves can be sent to the Chairman for review before posting. She said the Licensing Department is familiar with these applications and a second

set of eyes may be helpful to make sure everyone can understand the items. Mr. Barrett said they are mostly informative and he can understand them but he will participate. Heather Famico said the agenda for the meeting tonight was very clear and asked if ZOOM meetings could be posted online. Ms. Rennard said they are only kept for 20 days and will probably take a lot of space to save them but she would check into it. Ms. Greel motioned to approve above actions to be taken. Mr. Barrett seconded. Vote was confirmed by a roll call vote, 2-0.

8. Discussion and vote on Economic Development Fund Fee to be paid by Applicant Blue Fez for the Conversion of a Liquor License from an Annual Wine, Malt & Cordial License to an Annual All Alcohol License as required by Chapter 108 of Massachusetts Acts of 2020. Blue Fez Restaurant located at 118 Washington St., Unit C.

Ms. Rennard discussed the last few sales of licenses. She said the Bistro 118 License just sold for \$88,000.00. She said previously the Board has discounted the amounts of Home Rules because they cannot be moved from the location they are in. She said the last fees were set at \$18,500 but the market has changed. She suggested a fee of \$17,000 based on the recent trend dropping the value. She said the fee for Home rule licenses were initiated a few years ago because restaurant owners who had paid full amount for a license were afraid these were being given away. She said the fees that are collected for these licenses, which are payable over a number of years, go to a Downtown Economic Development Fund. Ms. Rennard said because of the impact from COVID this year the Board should consider deferring the first payment until December or renewal time 2021. Heather Famico of 195 Essex Street asked how many spots are now eligible for this. Ms. Rennard said currently none because there are a few licenses available for sale and the Council would not approve a home rule unless there were no licenses available. She said this was filed mid last year when there were no licenses available for purchase. Ms. Greel motioned to approve the fee in the amount of \$17,000 over five years with the first payment due December 2021. Ms. Greel motioned to approve. Mr. Barrett seconded. Vote was confirmed by a roll call vote, 2-0.

9. Approval of Meeting Minutes from June, July and August meetings in 2020. Minutes online <https://www.salem.com/node/546/minutes/2020>. Ms. Greel motioned to approve. Mr. Barrett seconded. Vote was confirmed by a roll call vote, 2-0.
10. New Business/Old Business - None
11. Adjournment. Ms. Greel motioned to adjourn. Mr. Barrett seconded. Vote was confirmed by a roll call vote, 2-0.