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MAYOR

CITY OF SALEM, MASSACHUSETTS
LICENSING BOARD
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GARY M. BARRETT, CHAIRMAN
GARY F. SANTO, JR.
DEBORAH A. GREEL

SGT. MIKE BALL. SPEC. INV.

MELISSA PAGLIARO,
CLERK OF THE BOARD

LICENSING BOARD MEETING MINUTES - DRAFT

The Salem Licensing Board met on Monday, September 27, 2021 at 6:00 p.m. via remote participation in accordance with Chapter 20 of the MA Acts of 2021. Present was Chairman Gary Barrett, members Gary Santo, Jr., Deb Greel, Clerk of the Board Melissa Pagliaro, City Solicitor, Beth Rennard and Special Investigators to the Board, Sgt. Ball and Lt. Doyle.

1. Application for four (4) One Day Liquor Licenses for a Night/Open Market at Pioneer Village, West Ave. October 22, 23, 29 and 30, 2021, from 5-7pm for 250 people each night. Applicant: Black Veil.

Ryan Murray presented the application. He said there is a sectioned off beer garden and they have hired a police detail for the event. Ms. Greel asked who was checking Id's and pouring and he said East Regiment was and there was a two-drink limit. Ms. Rennard said they did have Park & Rec approval. Mr. Santo motioned to approve. Ms. Greel seconded. Mr. Barrett said motion carries. Roll call vote 3-0.

2. Application for a One Day Liquor License for Artoberfest (fundraiser for Salem Art Fest) at Salem Maritime National Historic Site, Derby St. on October 2, 2021, from 12-7pm for 250 people. Applicant: Robert Hughes.

Robert presented the application. Ms. Rennard said the event was a fundraiser for Salem Arts. He said Notch will be serving and they have a detail for the event. Ms. Greel said the area should have double barriers. Robert said that wasn't a problem id required. Ms. Greel said these applications should be turned in earlier. Robert apologized and said he had it in but had to hold off sue to personal issues. Ms. Greel motioned to approve. Mr. Santo seconded. Mr. Barrett said motion carries. Roll call vote 3-0.

3. Application for two One Day Liquor Licenses for Halloween Weekend for Beer Tents at Forten Park from 7-10pm and Salem Common from 6-10pm on Saturday October 30th and at Forten Park, Salem Common, Federal & Washington St. and the Front St. parking lot from 6-10pm on Sunday October 31st 2021. Applicant: Creative Collective.

George McCabe presented the application. Ellen Talkowsky and John Andrews were on the call as well. Ellen said this is in preparation for Halloween 2021 as we do every year for Entertainment venues and beer Gardens in locations listed on the application. Mr. Barrett asked who would be staffing tents. John said that NS Bartending is responsible for all bartending and both his staff and Georges staff would be checking entrances. He said there are double barricades and has arranged for detail officers. Ms. Greel motioned to approve. Mr. Santo seconded. Mr. Barrett said motion carries. Roll call vote 3-0.

4. Application for a renewal of a Store Fortune telling License and a sub licensee reader at 66 Wharf St. Applicant for renewal: Circle of Stitches, Ana Campos and for sublicensee: Catherine Fahey.

Ana presented the applications and said one is for her store renewal and one is for a reader. Mr. Santo motioned to approve. Ms. Greel seconded. Mr. Barrett said motion carries. Roll call vote 3-0.

5. Application for renewal of a Store Fortune telling License. Applicant: A Sacred Place Wellness Center, 2 East India Square (Mall).

Daryl Bennett presented the application for renewal. Mr. Santo motioned to approve. Ms. Greel seconded. Mr. Barrett said motion carries. Roll call vote 3-0.

6. Application for a Sub-licensee Fortune Telling license at Magic Parlor, 213 Essex St. Applicant: Alison Soucy. Ms. Greel motioned to approve. Mr. Santo seconded. Mr. Barrett said motion carries. Roll call vote 3-0.

Rob Fritz, owner and Alison presented the application.

7. Application for an Individual Fortunetelling License at 112 North St. Applicant: Katina Garcia.

Mr. Santo motioned to approve. Ms. Greel seconded. Mr. Barrett said motion carries. Roll call vote 3-0.

8. Application to amend entertainment license to include permanent outdoor entertainment after trial period. Applicant: VFW, Derby St.

Sgt. Ball said that there have been no complaints during the trial period. Ms. Rennard said the Board could possibly continue until renewal time and then if any issues pull from renewals to review. Mr. Barrett said they would continue until December 31 as matter of course. Ms. Greel said so moved. Mr. Santo seconded. Mr. Barrett said motion carries. Roll call vote 3-0.

9. Application for an Alteration of Premise to include a permanent outdoor patio. Applicant: 99 Restaurant, 15 Bridge St.

Mike King presented the application. He said they want to make ethe temporary outdoor patio that they were allowed during COVID permanent. Mr. Santo motioned to approve. Ms. Greel seconded. Mr. Barrett said motion carries. Roll call vote 3-0.

10. Transfer of an Annual Wine & Malt Package Store license granted through Home Rule Petition in 2018 at 280 Jefferson Ave. Castle Hill Mini Mart, Individually Owned by Bosolakhana Thach Applicant: MAM Castle Hill Enterprise, Inc.

Attorney Truwax presented the application along with Mr. Kota part owner and proposed manager. He said they are purchasing the business and the real estate and the seller is financing part of the purchase price. He said they will be purchasing card scanners and that all staff will be TIPS trained. Ms. Rennard said the paperwork is in order but the Licensing Board set fees for Home rule licenses and there is still a balance due on this license. Atty. Truwax said Ms. Pagliaro mentioned that to him and it will be paid at the closing. Ms. Greel said so moved. Mr. Santo seconded. Mr. Barrett said motion carries. Roll call vote 3-0.

11. Continued – Hearing with La Delicia, 75 Congress St. regarding an alleged violation of their liquor license on May 21, 2021, specifically serving after hours.

Ms. Rennard said she was going to have Lt. Doyle speak. She said also present was the licensee, Mr. Pichardo, the interpreter, Perla Peguero and witness Officer Corey Gauthier. She said Mr. Pichardo did speak and understand some English. Mr. Barrett swore all witnesses and interpreter in. Lt. Doyle said he would review report and have Officer Gauthier testify to it. Lt. Doyle asked Off. Gauthier who was with him on the evening of May 21, 2021, and what shift they were working and what occurred on that shift. Gauthier said that he was with Officer Frias and they worked 12a-8am. He said about 1:17am on patrol their attention was drawn to La Delicia restaurant where it appeared that people were still in the establishment. Lt. Doyle asked if there were different groups inside. Officer Gauthier said that looking through the window there was a table in the corner with four patrons, a single patron at the bar and the bartender behind the bar. Lt. Doyle asked if the patrons had drinks. Officer Gauthier said the man at the bar had a beer in front of him and the four patrons at the table all had clear plastic cups in front of them. He said that when he initially looked in the window the female behind the bar was opening a full bottle of tequila and pouring fresh drinks from it and that's when he knocked at the door. Lt. Doyle asked

who he made contact with. Officer Gauthier said that once inside he spoke to a man who said he was the owner, Mr. Pichardo. Mr. Barrett asked Gauthier if the owner was in the restaurant. Officer Gauthier said he was. Lt. Doyle asked how Gauthier communicated with the owner that night. Officer Gauthier said his partner is bilingual. Gauthier said through Frias he related that they were in violation of The City Ordinance and that they need to be closed and have everyone out by 1am. Mr. Pichardo stated that he was unaware of the last call procedures and what time he had to stop serving. Lt. Doyle said that based on Officer Gauthiers testimony he would recommend the Board issue a three-day suspension of the license. Mr. Barrett said he may go along with that if other board members would agree to hold it in abeyance. Ms. Rennard said Mr. Pichardo would like to speak. She said he has no witnesses. Ms. Peguero said that he is proposing to speak and if he cannot be understood then she will interpret. Mr. Pichardo said that he is a very responsible person with both of his businesses. He said that Beth and Melissa know that. He said he knows the regulations and rules about serving. He said he never saw the officer that is speaking. He said that he tried to help police and whenever there is an issue in the are he offer his camera for viewing if they need it. He said he doesn't have any problems. He said there were seven people in the restaurant that night and the doors were locked. He said they were closing down. He said the bartender was counting money and the man at the bar was his attorney friend and the four at the table were two staff and their husbands. HE said the lawyer is a diabetic and cannot drink like that so the glass in his hand wasn't alcohol. He said when he went to the door he did so friendly and the officer out his foot in the door and told him to come outside. He asked for my ID even though he already knows me. He said the officer only saw anything from the window. He said maybe the Officer was having a bad day. He said he has never seen Officer Gauthier before. Mr. Barrett said he only wasn't to focus on that night. He asked the owner if he saw anyone drinking at that time that night. He said he didn't. Mr. Barrett asked if he opened the front door and if he saw the tender open a full bottle of alcohol. He said he did open the door and didn't see the tender pour anything and that wasn't true. Mr. Barrett asked him who was inside again. Mr. Pichardo said himself, the bartender his lawyer and the two women employees and their boyfriends. Mr. Barrett asked if he spoke with Officer Frias. Mr. Pichardo said there was no conversation just the police out his foot and the door and said, "I don't want people in there". He told me to come out and asked for my ID. Mr. Barrett asked Ms. Pagliaro about the closing process. Ms. Pagliaro said last call is at 12:30, 12:45 no cups or anything on table and 1am everyone should be out of the establishment. Mr. Barrett asked Mr. Pichardo if they were in there at 1:15am. Mr. Pichardo said yes. Ms. Greel asked if the regulations and ordinance were available in Spanish as well. Ms. Rennard said no but she can recommend that. She said there have been no other issues and that she will talk to ABCCF about regulation in Spanish. She said he has been to the office previously to inquire about rules so he does understand. She said she thinks maybe a recommendation of some staff training with the Licensing Department would be helpful. She said that staff is also allowed to be in establishment for one hour after for cleaning purposes only. Mr. Barrett asked Officer Gauthier about drinks. Gauthier said he saw female bartender open a full bottle of tequila and began pouring more drinks that when they knocked on the door. He said the man at the bar had a beer in front of him although he doesn't know if it was full or not. Mr. Santo motioned to suspend the license for three days to be held in abeyance for one year. Also, that the owners reach out to the Licensing Department to set up some time to review rules and laws with his staff. Ms. Greel seconded. Mr. Barrett said motion carries. Roll call vote 3-0. Ms. Peguero said that Mr. Pichardo wanted to say through her he understands that he is being accused of something that didn't happen. He said a recommendation was made by a person who wasn't there. Mr. Barrett asked that he understood all that was sad though. Ms. Peguero said yes, he did. Ms. Rennard said Mr. Pichardo will get a letter in English and Spanish and that he has five days to appeal that decision with the ABCC. Ms. Peguero said he understands. Ms. Rennard said that concludes the Hearing.

12. Approval of Licensing Board meeting minutes from August 16, 2021. Ms. Greel seconded. Mr. Barrett said motion carries. Roll call vote 3-0.
13. New Business/Old Business:
Sgt. Ball spoke about numerous complaints at the Beer Tent at the Waterfront Hotel. He said there has been 15 complaints now from various people in the last month. He said he is working with residents and the Rockets. He said they have ordered some sound proofing and he suggested they move the band around. Residents are willing to give Sgt. Ball a chance to work with Waterfront and see if it resolves any issues. Mr. Barrett said he would go out on a visit with Sgt. Ball to hear it himself.
14. Adjournment: 7:33pm. Mr. Santo motioned to adjourn. Ms. Greel seconded. Roll call vote 3-0.

Persons requiring auxiliary aids and services for effective communication such as sign language interpreter, an assistive listening device, or print material in digital format or a reasonable modification in programs, services, policies, or activities, may contact the City of Salem ADA Coordinator at 978-619-5678 or lcammarata@salem.com as soon as possible and no less than two (2) business days before the meeting, program, or event.

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