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GARY M. BARRETT, CHAIRMAN
GARY F. SANTO, JR.
DEBORAH A. GREEL

SGT. MIKE BALL. SPEC. INV.

MELISSA MOJICA,
CLERK OF THE BOARD

LICENSING BOARD MEETING MINUTES – DRAFT

A meeting of the Licensing Board was held on Monday, April 8, 2024 at 6:00 p.m. via ZOOM. In attendance were Chairman Gary Barrett and member Deborah Greel, Clerk of the Board, Melissa Mojica and Special Investigator to the Board, Sgt. Mike Ball. Absent was member Gary Santo.

1. Application to amend the outdoor entertainment license at 215 Derby St. to add up to a three-piece amplified band and sound for the patio Television (currently approved without sound), 7 days a week from 12-10pm. Applicant: Brodies Seaport.

Joel Votto, owner, presented the application. He said he would like to have some sound on the TV out on his patio and also add some live music to the outdoor patio. He said that other restaurants in the area are allowed to have it and he would like to as well. He said he asked for 12-10 pm, but won't utilize all that time. He would just like the option to be able to have it without having to come back to the Board all the time. He said of course any outdoor entertainment is weather dependent. Mr. Barrett said he is concerned about the hours and asked what type of music he would be having. He said light music, maybe up to 3 pieces and something like The Derby does sometimes like a Reggae group. He said it could just be one piece but he is trying to cover his bases. He said most likely two or three pieces. Mr. Barrett said he is concerned about the 7 days a weeks and the hours. Mr. Votto said he is looking for something, but it doesn't have to be those hours. He said he is looking for options. Mr. Barrett said he thinks 10pm on a Sunday would be late. Mr. Votto said Sundays are usually an earlier crowd. He said the fact that he doesn't have any issues with police matters speak for themselves. Ms. Greel said she thinks seven days a week is a lot. She said she is hesitant to go with amplified music outside, seven days a week. She said if they grant that they could use it all the time. She said maybe they can set days and hours for a trial period. Mr. Votto said that he wouldn't have inside music and outside music at the same time. It would be one or the other. He said he probably wouldn't have outdoor entertainment Monday, Tuesday or Wednesday but would just like the option to. Ms. Greel suggested certain days. Mr. Votto said something like Thursday through Sunday would be good. Mr. Barrett mentioned the VFW has only acoustic he believes. Mr. Votto said he is just trying to have options for out there to attract customers and be competitive like all the others. Mr. Votta said he will work with the Board with days and times. Mr. Votto said he would also like to have the sound on the TV for the outdoor patio. Mr. Barrett asked why he needs the sound on the outdoor patio TV. Mr. Votto said so if there is something like a game on he can have it on but he said he is allowed speakers out there already so he can just use those.

*Mike Magee from 222 Derby Street was allowed to speak and said that he would like to read a statement opposing this request. He said that this is 3rd time speaking up on these such request from Mr. Votto. He said seven days is excessive. He said he has lived there for 14 years and Brodie's is the only business that has been at that address that has had issues. He said nothing has changed there since they have been there. He said they had outdoor entertainment during COVID and did not abide by the rules that were sent then. He said Mr. Votto is not a good neighbor. He said residences are 100 feet away from business and the area is a fish bowl and the neighbors can hear everything. He said the Board should consider that customers are being allowed to behave this way outside with brodie's consent. He said Brodie's is not the same as others and he thinks the Board should deny any attempt at live outdoor music and any future request as well. Ms. Greel asked Sgt. Ball how many police calls four years later since COVID entertainment. She said she'd like to

have that number. Mr. Votto said he doesn't recall any police issues in the last four years. He said he runs a good business and he can't control what people do when they leave his restaurant. He said he works extremely hard at running a good business and he has a good customer base. Mr. Barrett said that they allowed some outdoor entertainment before and the Board set conditions and that Mr. Votto wasn't diligent in adhering to them. He said he didn't believe that Mr. Votto could say that he does not have any liability in the way patrons behave after they leave. He said he wants to give Mr. Votto a chance to do something down there. He said it should be as Ms. Greel suggested on a trial basis and maybe acoustic. Mr. Votto said it is very hard to hear acoustic only. Sgt. Ball said there have been eight calls over a four-year period. Ms. Greel asked when the complaints were. Sgt. Ball said over all different months. Mr. Barrett said he would be willing to do a trial period maybe Thursday, Friday and Saturday and some hours on Sunday. He said he's concerned about amplification. He said he knows the Board reprimanded him before but he is willing to try again. Mr. Votto said that is fine. He said he would at least like to request one amplified singer and one instrument. Ms. Greel said the weather so far has been dicey so maybe May and until mid June to see how it goes. Mr. Votto said that he is thankful to have something as a business owner. Ms. Greel motioned to approve outdoor entertainment in the form of an acoustic instrument and one amplified singer with a small amp on Thursday, Friday and Saturday from 12-10pm and Sunday from 12-8pm, now through June 17th. The sound for TV on the patio is denied. Mr. Barrett seconded. All in favor. Roll call vote 2-0.

2. Application for a for a One Day Liquor License on August 17, 2024 from 10:30am-8:00pm for 3,000 people at the Salem Willows Shell for the Salem Jazz and Soul Fest. Applicant: Matt Caruso, Salem Jazz and Soul Festival.

Matt Caruso presented the application and said he was a founder of this event and stepped away for a while but is back on the Board. He said that Larry Puleo is also on the Board now and he will be the crowd manager. He said they donate a large amount to Salem education and in 2023 added about \$3,000 more in donations. He said the event cost them about \$29,000 and they are still looking for sponsors. Mr. Barrett said it is great they came in this early but it should be continued until they know who exactly will be serving alcohol. Ms. Greel said this is always a well-managed event. Ms. Greel motioned to continue to a further date to be determined. Mr. Barrett seconded. Roll call vote 2-0.

3. Application for a One Day Liquor License on May 8, 2024 from 6:30-8pm for 100 people at the Salem Armory Visitor Center, 2 New Liberty St. for a History Talk. Applicant: Ryan from the Essex National Heritage Commission.

(*Heard as last item on the Agenda) Kathryn Rutkowski presented the application for Ryan Conary for this event. She said they are going to have a rum tasting. She said there will only be about 60 people as of now and a park ranger will be there to provide as a detail. Sgt. Ball said that was fine. Ms. Mojica said she needs a Certificate of Liquor liability. Ms. Greel motioned to approve. Mr. Barrett seconded. All in favor. Roll call vote 2-0.

4. Application for a Change of Manager, Change of Officers/Directors and an Alteration of Premise to add 380 square feet of outdoor patio space at 288 Derby St. Applicant: Ragazza Restaurant Group d/b/a Bambolina.

Tim Haigh, owner, presented the application. He said this is an application to do an Alteration of Premise to continue with his outdoor dining. He said now that COVID outdoor dining is over he would like to make his outdoor dining permanent to be able to continue to have it. Ms. Mojica said the application is also for a Change of Manager and Change of ownership. Mr. Haigh said that is correct and he is just taking his former partner off the paperwork as he is now the sole owner. Ms. Greel motioned to approve. Mr. Barrett seconded. Roll call vote 2-0.

5. Application for a Transfer of an Annual All Alcohol Liquor License at 2 Bridge St. Applicant: ETAV Corp. d/b/a The Cannery. Applicant requested a continuation of this application until the May 20th meeting.

At the beginning of the meeting the Chairman announced that this application would be held over until the second meeting in May at the applicants request. Ms. Greel motioned to approve continuance. Mr. Barrett seconded. All in favor. Roll call vote 2-0.

6. Discussion with Witch's Brew, 156 Derby St. regarding status of establishment.

Demetra Karlis, owner and John Kounseliah, owner's son, were present. Mr. Barrett said that they have had of number of individuals ask about the license. Ms. Karlis said that there were a couple of deals to sell the business and building and they fell through. She said they have a temporary agreement again now. Mr.

Barrett asked with whom. Ms. Karlis said it is with Beacon Realty Trust. She said they are looking to purchase and open the restaurant as is. She said they are eager for this. John said they will know more in a couple of weeks as the agreement is not 100% yet but it is pointing in that direction. Ms. Greel said that personal she feels they need to keep the Licensing Board informed of what's happening. Mr. Barrett said they should be called to a meeting to report to the Board once a month. Ms. Mojica asked if that would her attending a meeting or via email. Mr. Barrett said it is to be by attending a meeting. Ms. Mojica said she would add Ms. Karlis to the second meeting in May to check in.

7. Approval of Meeting Minutes from January 22, February 26 and March 14, 2024. Ms. Greel motioned to approve. Mr. Barrett seconded. All in favor. Roll call vote 2-0.
8. Adjournment: 7:15pm. Ms. Greel motioned to adjourn. Mr. Barrett seconded. All in favor.