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CLERK OF THE BOARD

MEETING MINUTES

A meeting of the Salem Licensing Board was held on Monday, **June 12, 2017** at 6:45 p.m., at City Hall Annex, 120 Washington Street in the third-floor meeting room. In attendance: Chairman Bob St. Pierre, member Paul Flores, Clerk of the Board, Melissa Pagliaro, Special Investigator, Det. Sgt. Gaudet and City Solicitor, Elizabeth Rennard. Absent was member Rick Lee.

1. Applications for several Street Performers Licenses. Applicants: Alucard Bumpus, Gwendolyn McCormack, Jackson Gruber, Richard Adams, Joshua Saari, Colby Sherwin and Marissa Salzillo.

Alucard Bumpas, Jackson Gruber and Marissa Salzillo presented the application for Colby Sherwin as well. All of the applicants said they read and understood the rules and regulations. Sgt. Gaudet talked to them about moving along after 20 minutes or so and complying with any City staff that might direct them to move so it does not become police issue. Mr. Flores motioned to approve. Chairman St. Pierre seconded and said the motion carries.

2. Application for a renewal of a sub-licensee fortunetelling license for Artemisia Botanicals at 3 Hawthorne Blvd. Applicant: Michele Jankowski Smith.

Ms. Smith said she is already there and just renewing her tarot reading license. Mr. Flores motioned to approve. Mr. St. Pierre seconded and said motion carries.

3. Application for twelve One Day Liquor Licenses, all for Wedding receptions on:

- 1) Sept. 2, 5-10pm for 110 ppl
- 2) Sept. 3, 5-10pm for 200 ppl
- 3) Sept. 16, 5-10pm for 160 ppl
- 4) Sept. 23, 5-10pm for 160 ppl
- 5) Sept. 30, 5-10pm for 180 ppl
- 6) Oct. 8, 5-10 pm for 120 ppl
- 7) Nov.3, 5-10pm for 100 ppl
- 8) Nov.4, 6-10pm for 160 ppl
- 9) Nov.5, 5-10pm for 100 ppl
- 10) Nov.10, 3-8 pm for 100 ppl
- 11) Nov.11, 5-10pm for 200 ppl
- 12) Dec.2, 4:30-9:30pm for 180 ppl

Applicant: Robin Perry for Hamilton Hall, 9 Chestnut Street.

Robin presented all of the application with checks and insurance certificates for approval. All of her paperwork was in order. Mr. Flores motioned to approve. Mr. St. Pierre seconded and said the motion carries.

4. Application for two One Day Liquor Licenses on August 12, 2017 from 3-8 pm, for 80 people for the Mannino Reception and the Entner Reception on Sept. 2, 2017 from 4-10 pm

for 90 people at The House of the Seven Gables, 115 Debry St. Applicant: Deb Costa for House of the Seven Gables.

Deb presented all of the application with checks and insurance certificates for approval. All of her paperwork was in order. Mr. Flores motioned to approve. Mr. St. Pierre seconded and said the motion carries

5. Application for a One Day Liquor License on August 9th, 2017 from 3pm-8pm for 500+ people for the Witch's Cup Bike Race on the Salem Common.

Dan Shuman presented the application and said this is the same event they have held for the last 10 years. Mr. St. Pierre said he should follow all of the guidelines as in previous years, including insurance. Dan said he will submit the insurance certificate once the Board approves the application. Sgt. Gaudet said there have not been any issues with this event.

6. Application for several One Day Liquor Licenses. Applicant: George McCabe, NS Bartending.

- 1) June 21, 6-8pm for 100 ppl for a Staff Event at the Salem Y
- 2) June 21, 6-9pm for 75 ppl for Salem Main Streets at 289 Derby Street.
- 3) June 22, 6-10pm for 100 ppl for a Show at Cinema Salem
- 4) June 29, 6-9pm for 150 ppl for Salem Park & rec for Movie Night at Winter Island
- 5) July 8, 9am-2pm for 200 ppl for a Fundraiser at the Plummer Home

George presented all of the applications and said that they were all for nonprofit except for the Cinema Salem events. He said that all of his paperwork was in order. Mr. Flores motioned to approve. Mr. St. Pierre seconded and said the motion carries.

7. Application to Application for the 2017 Farmers Market for a Tasting License. Applicant: Mill River Winery.

Mr. Rick Rosseau presented the application. He said as in years past he will be selling bottles and serving samples at the Farmer's Market. Mr. Flores motioned to approve. Mr. St. Pierre seconded and said the motion carries.

8. Application for the 2017 Farmers Market for a Tasting License. Applicant: Far From the Tree LLC.

Ryan Cru presented the application. He said they will be selling their product and serving samples at the Farmers Market. Mr. Flores motioned to approve. Mr. St. Pierre seconded and said the motion carries.

9. Application for a Pledge of License and an Entertainment License. Jamie's Kitchen, 2 Bridge Street.

Mr. Flores motioned to approve the Pledge of License to be submitted to the ABCC. Mr. St. Pierre seconded and said the motion carries.

Len Caffrey, owner said that they have done a lot of research into the Entertainment and what would be appropriate in that area. He said other than the microphone the instruments outside would be acoustic. He said there would be some wireless speakers that would face

toward the building and a couple of guys playing guitar, 2 or 3 pieces. He said there are currently two very large speakers there now that face the water and those will be removed. He said they would like 2 TV's outside on the patio as well. Chairman St. Pierre asked if there were any members of the audience here tonight for this item. He said that the Board is also speaking about the new proposed regulations tonight regarding entertainment. There was no one from the audience on this application. Solicitor Rennard said that the City is looking into retaining a sound expert to do testing for ambient noise levels at different times around the City and then recommendations can be made to complete the regulations. She said that Melissa was out Thursday evening and did some test in the Pickering Wharf area with the meters that the Salem Police Department purchased. Ms. Rennard said she recommends that the Board stay the regulations right now pending the testing from the sound expert and that the Board issue 60-day temporary license for the places requesting outdoor entertainment with some stipulations.

An Abutter said that the bass level does not register on the meters and another problem is when the doors constantly get opened. Ms. Rennard said the study will look at that issue. She said that she envisions it will be similar to the regulations for street performers with a map of different areas for the City. The Abutter asked when the study will be done. Ms. Rennard said they will be at various times in all the areas. The manager from Vic Station said that they have 2 decks and she has been there for 8 years and there has never been an issue until recently. She asked if she had a deck full of diners if she would have to hush the, because the voices will register higher on the meter. An abutter from Central Street said there are a lot of noise issues including big delivery truck for all business'. Mr. St. Pierre said that is not the Boards issue and he doesn't want to get off track. Ms. Rennard said the issue of truck is idling is an old issue and they can call her directly to discuss that. An abutter said that the neighborhood is lined with one establishment after the other. She said she has no issue with music just not when its 11 o'clock at night or it time to try and rest or sleep. Mr. Caffrey asked if the issues being discusses is for inside and outside entertainment. Ms. Rennard said they are just discussing outdoor right now. Bonnie Bellair, an abutter of Vic Station asked if there could be a limit on the speakers. Ms. Rennard said she would be recommending 10pm. An Abutter asked if they expert would be measuring vibration. Ms. Rennard said that it would be part of the study. The abutter said that the vibration is worse than the sound. Attorney Tom Eagan said a rule in Marblehead is that you can't hear any music from the street. Ms. Rennard said that the sound is different in different areas. She said that for now it will probably be something like levels being based upon ambient noise levels and not more than 5 decibels above. She said we should focus on just this application for now. Chairman St. Pierre said that this application will be contingent upon the owners notifying the Board of the first event and this will be a temporary license to expire 60 days from today and that there will be no outside entertainment beyond 11pm. Len requested TV's, jukebox and piped in music for inside. Mr. Flores motioned to approve. Mr. St. Pierre seconded and the motion carries.

10. Application for an Entertainment License. Applicant: The Ledger, 125 Washington Street.

Ms. Rennard presented the application and said they are requesting 6 televisions, radio, Ipod and for function rooms a DJ and up to a 4-piece band. Mr. Flores motioned to approve. Mr. St. Pierre seconded and the motion carries.

11. Request for a Blanket License for Entertainment and Vendors for the 11th Annual Salem Cultural Festival on July 22 from 10am-8pm and on July 23 from 10am-6pm.

Ms. Rennard presented the application. She said this is the same event that has been held for years with no issues. The request is for blanket vendors and entertainment. Mr. Flores motioned to approve. Mr. St. Pierre seconded and the motion carries.

12. Request for a Blanket License for Entertainment and Vendors and a One Day Liquor License on July 20 from 5-9 pm, 2017. Applicant: PEM (Philips Library), 132 Essex St.

Donecca said this event will be held outside of the museum and serving will be done by George McCabe of NS Bartending. She said Bob Callahan will be doing the detail and the band will end by 9pm. Ms. Rennard said Melissa will give her a copy of the Street Performers regulations to be for the band and noise levels. Mr. Flores motioned to approve. Mr. St. Pierre seconded and the motion carries.

13. Discussion for proposed regulations regarding outdoor entertainment for restaurants.

Ms. Rennard suggested that the Board stay the regulations pending the outcome of the sound experts report. Mr. Flores motioned to approve. Mr. St. Pierre seconded and the motion carries.

Members from the audience said that the noise in the downtown area is already too much. A man said that Flatbread open windows and it is extremely loud and needed the police to rectify the situation. He asked if it was possible to include in the regulation that is a certain number of a people complain, it is a disturbance? Ms. Rennard said they will consider all of this before proceeding with the regulations but that a business can always be requested to come before the Board if there are issues. Mr. St. Pierre said that maybe if there are “x” amount of complaints that triggers some kind of notice to the Board. Sgt. Gaudet said without a police report there is no back up. Ms. Rennard said that one regulations are set police will have a better idea on what to go by. Another audience member asked how the 11pm shut off time was arrived at. Ms. Rennard said the Bridge St. establishment would be 11pm. She said that could change once the study comes back and regulations are set but she doesn’t know yet. Jason from Village Tavern said he hopes the Board looks at both sides of this issue. He said if someone moves next to an Irish pub than they should expect to hear noise. Another neighbor said he promotes Salem’s restaurants but that a lot of residences pre-date restaurants and that noise is acceptable but within reason. Ms. Bellair said she is concerned with a stay on the regulations all summer long. She said again she is ok with the entertainment inside but outside is another thing. Ms. Rennard said there is still much work to be done and they cannot be approved tonight.

14. Application to Amend an Entertainment License to add speakers on the outdoor patio. Applicant: Brodie’s Seaport, Derby Street.

Joel and Kathy Votto presented the application. He said they are requesting two small patio speakers for background music. Ms. Rennard said that Melissa was down there Thursday night to do some so decibel readings and get an ambient noise level. She said the readings were 70 decibels with medium traffic and no one out on the patio. Ms. Rennard said that the level should be 5 about that and the Board needs to determine what time the speakers shall be shut off. Chairman St. Pierre said others establishments in the down town don’t have a time limit for speakers at night and the Board has to try something to see what

works. Attorney Eagan from Rockett Management said he sent a letter to amend Regattas license. Mr. Eagan said that this is Brodie's 3rd application asking for all different kinds of entertainment for outdoors and now he is down to just two small speakers. He said there is a ricochet effect off of their building from the noise. He said they are a hotel and that they get complaints from hotel guests and the condo owners on the top floor as well. He said the noise is just too loud and there isn't enough information from anyone yet. Ms. Rennard did say that she found an issue with the music becoming loud when the doors would open and close in the middle of the restaurant. Joel said at this point all he is looking for is two small speakers. He said that every restaurant in the downtown has them. He said he wants them for light background music and for the sports games. An abutter said that it is very loud there now from the bands that play inside. Sgt. Gaudet said that Brodie's is asking for exactly what Regatta has. Ms. Michaud, an abutter, said that there are two issues. 1- speakers and 2- the noise level. She said that her renters are complaining a lot. Sgt. Gaudet said that he gave his card out to all of the abutters that were resent at a past meeting and hasn't heard from anyone. Mr. St. Pierre said he accept a motion to approve a temporary 60-day license, with speakers having to be turned off by 10pm and no louder than 75 decibels from the sidewalk. Mr. Flores said so moved. Chairman St. Pierre also reminded Regatta that they are in violation as well, as their outdoor TV and speakers are not approved.

15. Discussion with Victoria Station regarding outdoor speakers and an application to amend their Entertainment License to include speakers on the outdoor patio.

Elizabeth Collett was present. She is the General Manager. She said she has been there for 8 years and there was never an issue with the speakers outside on the patio. Ms. Bellair said that she has lived there for 11 years and 4 years in the apartment upstairs from Vic Station. Ms. Collett said its always been the same. Ms. Bellair said that doesn't mean the noise is not bothersome. Ms. Rennard asked if the music on the patio was the same that was playing inside. Ms. Collett said it was but the different areas that have speakers can be controlled from inside. She said if a band is playing inside then there is no music on the patio. Ms. Bellair said that many times the doors are left open between 9 pm and 12:45 am when a band is playing. Sgt. Gaudet asked Ms. Bellair if there is an issue with noise outdoors. Ms. Bellair said there is because it is just plain noisy. Ms. Rennard said that perhaps the decibel level for the patio should not be more than 70 decibels from the walk way out front of the patio. Ms. Rennard noted that the noise coming from Brodie's is severely less when one of the side doors are used and much louder when the middle door of the establishment is used when there is a band playing. She asked if Ms. Collett can shut one of the speakers on the patio off. Ms. Collett said she can just turn down patio areas. Mr. St. Pierre said he would accept a motion to approve not more than 5 outdoor speakers at a decibel level of no more than 70 and to be shut off by 10pm. Mr. Flores said so moved and the motion carries.

16. Discussion with Village Tavern regarding an inspection with Sgt. Gaudet and the ABCC on May 12, 2017.

Jason Trottier said he was the bar manager on this night. He said he has been there for three months and at that point had been bar manager for two months. Sgt. Gaudet said that he and Caroline, an investigator from the ABCC did an inspection there due to a complaint via email that was received. A Mr. Peterson said that the Village is purchasing alcohol in NH and selling it, selling cigarettes from behind the bar for \$10.00 a pack and selling Jello

shots on Thursday, Friday and Saturday night. Sgt. Gaudet said that they found 5 bottles of liquor with fruit flies in them and a bottle of Tequila that had been watered down. He said the Bar Manager was made to dump out all of those bottles. Sgt. Gaudet said that the LB was calling them in for a warning as the ABCCF could impose a 6-month sentence for these violations. Mr. St. Pierre said that this is an oral warning and note of it will be placed in their file. Mr. Flores motioned to give a verbal warning. Mr. St. Pierre seconded and said motion carries.

17. Old/New Business: NONE

18. Approval of Meeting Minutes from May 30, 2017

Mr. Flores motioned to approve. Mr. St. Pierre seconded and said motion carries.

19. Adjournment

Mr. Flores motioned to approve. Mr. St. Pierre seconded.

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**