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CLERK OF THE BOARD

## **MEETING MINUTES OCTOBER 23, 2017**

A meeting of the Salem Licensing Board was held on Tuesday, **October 23, 2017** at 5:00 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, Sgt. Doyle and City Solicitor Elizabeth Rennard.

1. Application for 4 (four) One Day Liquor Licenses. November 18th for a paint & sip at the Old Town Hall for Bridge @211 from 5:30-10pm for 50 people. November 6<sup>th</sup> for Bridge @ 211 and the Salem Athenaeum from 7-10pm at the Tabernacle Church for 80 people. November 11<sup>th</sup> for Salem Arts Assoc. 10<sup>th</sup> Anniversary from 6-10:00pm at for 100 people. November 11<sup>th</sup> for a wedding reception at Old Town Hall from 3-11:30pm for 100 people.

George McCabe of North Shore Bartending presented the applications. He said that three of them were for Salem Non-profits and asked the fee to be waived. Ms. Pagliaro said that all of the paperwork was in order. Mr. St. Pierre said he would accept a motion to approve the applications and waive the fee for three of them. Mr. Flores said so moved.

2. Application for a Pledge of License. Applicant: JMRS Restaurant, Inc. d/b/a Tavern in the Square, 189 Washington Street.

Ms. Pagliaro said that all of the paperwork was in order for the Pledge to be sent to the ABCC for approval. Mr. St. Pierre said he would accept a motion to approve the Pledge. Mr. Flores said so moved.

3. Application to Transfer an Annual Wine & Malt License and an Entertainment License. Applicant: Queen Gourmet, Inc. d/b/a OKEA, 293 Jefferson Ave.

Attorney Gail Lareau presented the application for Chen & Lau Chin. She said they have extensive experience in the restaurant business and that Mr. Chin has been a sushi chef for 10 years. She said this a transfer of an annual wine & malt liquor license that is currently OKEA at 293 Jefferson Ave. She said Mr. Chen previously owned a liquor license in another state and never had issues or complaints. Ms. Lareau said they were also applying for an Entertainment license for Tv and radio. Mr. St. Pierre said he would accept a motion to approve both applications. Mr. Flores said so moved.

4. Discussion regarding complaint re: Entertainment License for Kokeshi, 41 Lafayette Street.

Larry Lebowicz and Tim Haig, owners were both present. Ms. Rennard said they are before the Board tonight due to noise complaints. She said there have been complaints of loud music coming from a DJ and amplified music which is outside of what their license is approved for. She said there are some abutters present tonight. Mr. St. Pierre said that is not what the entertainment allowed for. Tim said they changed up the entertainment a bit to have a DJ accompanied by a singer and guitar.

Sgt. Doyle asked if the DJ was acoustic because that is what they are permitted, not amplified. Larry said initially they received a complaint from Mr. Webb. He showed the Board a map of where the DJ was set up. He said after the complaint he moved the DJ away from that wall. Sgt. Doyle said they are not permitted to have a DJ. He said when they came to Board initially for the entertainment license they requested dinner music consisting of an I pod and a 4-pc acoustic band. He said they held a meet and greet with neighbors and told them they would not be having any amplified entertainment. He said the neighbors have complained that the noise has been extremely disturbing to them. He also said he has seen some of the advertisement for Kokeshi and they seemed to presenting it as more of a night club not a restaurant. Larry said they want to address this complaint. He said that the DJ was advertising for bar business. He said they are a restaurant not a club. He said there is no dance floor. He said that some of the Entertainment has been ceased since they received complaints. He said there is no longer amplified music. Mr. St. Pierre said one issue is that they were not approved to have that type of entertainment to begin with and that is not what the Board was led to believe they were going to have. Sgt. Doyle said they added additional entertainment from 9-12:30 am and it was wreaking havoc. Richard Eagan from Unit #211 spoke and said that he moved in toward the end of May. He said from the first night the bass is banging the walls sometimes until 12:55 am. He said he spoke to other abutters and they said the owners were nice guys and to talk to them. He said that after many complaints the results are the same. He said there were some other unit owners who wanted to come but could not be present tonight. He said initially the owners assured them it would be taken care of but then it was back to the same. He said abutters cannot enjoy their homes and cannot sleep. He said they were permitted to do certain things and did what they wanted. He said a couple of weeks ago there was a night he went down to ask them to turn down the volume. He said the manager wasn't there and employee said she couldn't make that decision. She said she'd call manager. He said that it was the DJ that actually came over to him and told him he would turn it down. An abutter, Dan, said that he enjoys the restaurant and like the owners but the loud music at 12 – 1am is not good. He said at the meet and greet they were assured there would not be problems or issues with entertainment. He said again it was the same result so they stopped complaining to them. Mr. Eagan stated again that they simply did not have a license to do what they have been doing. Mrs. Webb said she will gather decibel level data and invite the Board over to hear the bass and volume. She said that she has tried not to complain but the noise level is unreal. She said last night was better. Mr. Flores said that they did not have a license to do what they wanted and they overstepped. Mr. St. Pierre said he is also hearing complaints that the entertainment went on beyond allowed time. Ms. Rennard said they need to comply with what is on their license. Mr. St. Pierre said they need to correct and comply or the Board will bring them back and revoke the license completely. Sgt. Doyle said that Mrs. Webb had relayed that there will soon be a nursery directly above the restaurant. He said there is also just the neighborly component here as well. Mr. St. Pierre said Larry and Tim did realize they put the restaurant in a residential building. Sgt. Doyle said that at the meet and greet the neighbors were told that the ceilings were sound proofed. Mr. Flores said the other issue is there was no manager there or available to handle this issue. Larry said he was just around the corner and 30 seconds away. He said he came right over and was told the issue was taken care of by the DJ. Mr. Flores said there should be someone there who can take care of an issue regardless of if he was 30 seconds away or not. Mr. St. Pierre asked the residents to notify the Board of any further complaints.

5. Old/New Business: None
6. Approval of Meeting Minutes from October 10, 2017. Mr. St. Pierre said he accept a motion to approve the minutes. Mr. Flores said so moved.
7. Adjournment. Mr. Flores motioned to adjourn. Mr. St. Pierre seconded.