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MAYOR

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**LICENSING BOARD**  
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### **MEETING MINUTES**

A meeting of the Salem Licensing Board was held on Monday, **January 28, 2019** at 6:00 p.m., at City Hall Annex, 98 Washington Street in the first-floor meeting room. Present was: Chairman Bob St. Pierre members, Paul Flores and Deborah Greel, Clerk of the Board, Melissa Pagliaro, Special Investigator, Sgt. Doyle and City Solicitor Elizabeth Rennard.

1. Application for a Street Performers License. Applicant: Kaylee Lambert and Ryan Thompson.  
**The applicants did not attend.**
2. Application for a One Day Liquor License at Hamilton Hall, Chestnut Street on February 16, 2019 for 120 people for the Annual Burns Night. Applicant: Jeffrey Casiglia  
Jeff Casiglia presented the application and said it is the same as what it has been in the past couple of years. Ms. Pagliaro said the paperwork is complete. Mr. Flores made a motion to approve. Ms. Greel seconded. Chairman St. Pierre said the motion carries.
3. Application for (5) five One Day Liquor License. Applicant: Hamilton Hall.
  - \* Amy Fowler, May 4, 2019, Wedding Reception for 170 people from 5-10pm.
  - \* Chrisanthe Theodorakakis, May 11, 2019, Wedding Reception for 175 people from 5-10pm.
  - \* Taelyr Hair, May 18, 2019, Wedding Reception for 150 people from 5-10pm.
  - \* Courtney Clarke. May 26, 2019, Wedding Reception for 100 people from 5-10pm.
  - \* Jessica Adams, June 8, 2019, Wedding Reception for 100 people from 5-10pm.Robin Perry presented the applications with payment and insurance for all of them. Mr. Flores made a motion to approve. Ms. Greel seconded. Chairman St. Pierre said the motion carries.
4. Application for a Transfer of an Annual All Alcohol License and an Entertainment. Marko's Mediterranean Cuisine Corp., d/b/a Marko's at 76 Wharf Street.  
The application was presented by attorney Sam Vitale, Caroline Broderick and Rob Broderick as well as current owner George Carey. Mr. Markos could not be present due to an illness in his family. Atty. Vitale said they are looking to transfer the license from Mr. Carey. He said it will be opened as a Mediterranean restaurant. He said that Mr. Markos is a good business man and contributes to his community. He said every Thanksgiving they hold a dinner for the homeless, does little league events, etc. He said that Mr. Markos has every manager TIPS certified. He said it is a very diverse restaurant. Ms. Brody said they will look to doing a soft opening in March and open fully in April. Mr. Flores made a motion to approve pending all the required paperwork being submitted. Ms. Greel seconded. Chairman St. Pierre said the motion carries.

5. Application to add (9) nine Automatic Amusements. Applicant: OPUS, Washington Street.  
Sammy Shosa presented the application. He said they currently have six machines ready to be placed in the establishment and will be getting 3 more. He said they are renting them from Bit Bar, which makes their own machines. He said the various machines will be added downstairs and there are no pay out machines. Mr. Flores made a motion to approve. Ms. Greel seconded. Chairman St. Pierre said the motion carries.
6. Application for a Common Victualler License. Applicant: New England Sammie Co, LLC  
1 Boston Street.

**The applicant did not attend.**

7. Application for a Common Victuallers License. Applicant: Life Alive Café, LLC, 281 Essex Street.

**The applicant did not attend.**

8. Application for a Change of DBA to Richdale. Applicant: Redwan International, Loring Ave.  
Mr. Chaghoury presented the application. Ms. Pagliaro said this is a simple process but must be approved by the Local before going to ABCC for approval and that all of the required paperwork has been submitted. Mr. Flores made a motion to approve. Ms. Greel seconded. Chairman St. Pierre said the motion carries.
9. Application for a sub licensee fortunetelling license at A Sacred Place, Museum Place Mall.  
Applicant: Jon Hoffman

**Applicant asked to be scheduled for next meeting.**

10. Hearing with Bistro 118, 118 Washington Street, regarding to overcrowding.
11. Atty. Jose Diaz was present for the Hearing. Frandy Xu, owner was present but remained in the audience. Mr. St. Pierre said this Hearing was on a complaint of overcrowding and would turn it over to Sgt. Doyle. Sgt. Doyle said that Sgt. Rocheville and Deputy Pelletier from Fire were both present and Mr. St. Pierre swore them both in. Sgt Rocheville said that on the night of October 27, 2018 at 10:30pm while working downtown his attention was drawn to an extremely large, loud crowd blocking the sidewalk and outdoor patio area of the Bistro 118 restaurant on Washington St. He said he noticed no staff present. He said he went into the restaurant and it was packed full with people. He said he asked a bouncer for a count and the bouncer told him he had no idea and that he had not been given a counter. He said at that point he exited the establishment and called Deputy Pelletier. He said that they both returned to the establishment and Dep. Pelletier asked the same question about a counter to the bouncer and got the same response. He said they asked for owner Mr. Xu. Mr. Xu told them at first, he didn't know how many patrons were there but then said he should get an idea based on the bands handed out. After looking at the strip and numbers he said about 176 patrons were in the restaurant. Sgt. Rocheville said it appeared there were about 250. He said the Occupancy/304 permit was not adequately posted so that it could be read. He said officers had to quiet the patio area because of how loud it was. Sgt. Rocheville said he went back to the establishment on October 28 to speak to Mr. Xu. He said at that time they went to the way back of the restaurant where the 304 was posted and it was not in a place that it could be easily read. He said the numbers on the 304 were 94 on the inside and 34 on the outdoor patio. Sgt.

Rocheville said he had checked on the capacity of the restaurant all through on October on the weekends and they appeared over on every weekend. Sgt. Doyle Dep. Pelletier if that was an accurate description of what happened. Dep. Pelletier agreed it was. Sgt. Doyle asked if they were both in agreement that there were over 250 people in the establishment. They both agreed that there appeared to be at least that many. Dep. Pelletier said that when he first spoke to Mr. Xu and asked him about the bands and how many people, he thought we inside he responded that he thinks 166 and said that his capacity was 176. Mr. St. Pierre asked Dep. Pelletier how he counted. He said a sight count. Sgt. Rocheville said there was so many people it was almost impossible. Atty. Question that Dep. Pelletier's count was based on an estimate. He said that is pretty open ended. He asked the Deputy based on past experience what made him think they were more than likely overcrowded. Dep. Pelletier said experience. Atty. Diaz said that Mr. Xu applied for more seats in 2014 and it has been left open. Sgt Rocheville said he has confirmed with the Building Department that they did indeed apply, and they were not given approval to increase the capacity and the Building Dept. He stated that would most likely not happen. Ms. Rennard suggested that the Hearing be continued until a mutual date when the Building Inspector can be present. Date will be determined. Mr. Flores motioned to continue the Hearing. Ms. Greel said so moved. Mr. St. Pierre said the motion carries.

12. Hearing with the Hotel Salem, 209 Essex Street, regarding noise complaints.

Attorney Joseph Correnti was present with Michael Millea and Ellen Blood. Sgt. Doyle said this Hearing is a result of numerous specific complaints. He said that there was a previous conversation about these complaints last fall when he believes Jessica was the manager. He said their current license states that the entertainment, which is radio/piped in music, is from 7-9pm. He said the complaints have been that there been patrons present with music playing after 9pm. Mr. St. Pierre said this is not the Board's first time receiving complaints about this same issue. Sgt. Doyle said the last time they were called in for a discussion and the hope was with the new manager there wouldn't be any more complaints. He said after the new manager came in the Board was still receiving complaints. He said he knows this has been postponed a few times due to schedules. Ms. Blood said she was confused as to whether or not the rooftop had to close, or the music had to stop. Atty. Correnti said he believed when they first applied the LB the concerns were not wanting dancing and loud bands on the roof top. He said they did ask for acoustic but limited. He said the entire hotel including the rooftop has piped in music. He said when the radio on the rooftop goes off that is the signal for patrons to go. He said he never understood that radio couldn't be played. He said that they are first and foremost a hotel and do not want to disturb their guests or anyone else. He said it is hard to respond to anonymous complaints. Ms. Blood said she gave everyone at the initial meeting her card if there were any issues and she never heard from anyone. She said that even when the radio on the rooftop is on it is not loud. Ms. Greel asked what type of music is played. She said she knows sometimes bartenders like to change it up and that maybe it's the type of music that is being played. Mr. Millea said it is Pandora and they can change the volume not the station. Sgt. Doyle said the complaint is not about the type but the volume. Mr. St. Pierre advised them to follow the license as it currently allowed. Ms. Rennard said that if they want a change, they should submit an application to amend the license. Sgt. Doyle said there are reports from patrolmen that have verified music after 9pm. Atty. Correnti suggested using a decibel meter to get readings of levels. He said of course depend on where you live on Essex Street or the Essex St. condos you are going to hear noise. He said that again, it is impossible and unfair to respond to anonymous complaints. Mr. St. Pierre said to follow the license as is for now and the LB will try to work with the neighbors and the Hotel to resolve any issues. Ms. Greel agreed to proceed forward that way. Sgt. Doyle suggested that Ms. Blood leave

her card again so that he can forward some of the complaints to her. Mr. St. Pierre said that going forward we will be using the decibel reader if need be. He said for now to abide by the license and come back in the Spring and hopefully we can resolve this issue.

13. Application for a Transfer of an Annual All Alcohol License and an Entertainment License. Applicant: The Derby Restaurant, LLC d/b/a The Derby, 189 Washington Street.

Atty. Correnti presented the application with two of the principals of the LLC, Mark Morris and Joe Accari. He said the owners are the same owners as Tavern in the Square but a new entity. He said they are here to transfer the license of the old Tavern in the Square. He said it is obviously named after the street that it is on and that the major changes are to the menu, the seating and the cosmetics to give it more of a local feel. He said the Tavern was a chain where as The Derby will have a more of an authentic feel. He said there is a major change to personnel. He said Mark will be there managing full time. He said they have hired a new local Chef as well. He said the last 12-24 of the Tavern seemed to unravel a bit. He said that Mark will run a tight ship and prove ourselves to the City again. Mr. St. Pierre asked if the windows will still be open in the warm months. Mr. Accari said yes but they are all blocked with metal railings, so people cannot walk in and out of them. Mr. Morris said they did not remove all tv's but did take a lot out. Mr. Accari said that some of the previous seating area will be used for function space. He said the patio seating will be replaced with picnic tables for more of a family feel and lights all around the patio. Ms. Greel said she loves the idea of lights around the outdoor patio. Mr. Accari said they want the inside to look like the outside of Salem. Ms. Rennard asked if they could think of something that would help the visually impaired with the sidewalk being blocked off. Maybe something they can feel with a cane that will alert them that the area is blocked. Mr. Flores made a motion to approve. Ms. Greel seconded. Chairman St. Pierre said the motion carries.

14. Hearing with The Village Tavern, Essex Street, regarding Overserving and Assault.

Atty. Correnti was present along with Alex, Andrew and Arthur Ingemi. Nicholas Gigante, the alleged victim and his mother Kelly Wise were also present. Mr. St. Pierre explained that Sgt. Doyle would call and question witnesses and then Atty. Correnti could cross examine them. Sgt. Doyle said there are a number of issues. He said that there is the A&B issue and an issue of overserving. He said Village Tavern was before this board last January, 2018 for a discussion with the Manager about the very same issues with bouncer's aggressiveness. Ms. Rennard suggested that Sgt. Doyle play the video (Ex#1). Sgt. Doyle played the video and explained that you can see two patrons (Gigante & Atocha) being escorted off the premise by several bouncers with the owner present. He said they the bouncers separate the two patrons and then bring them back closer to one another at which time one of the patrons is taken down from behind in a choke hold. He said it shows the owner present for this and does not call the police until after. He said there were no prior calls to police. He said the other patron was still being attacked by a few of the bouncers holding him and not letting him go. He said when the cruiser pulls up the bouncers let Gigante go. He said it shows the first officer to respond is Whittaker and then Sgt. Gagnon. Mr. St. Pierre swore both officers in. Officer Whittaker said that at 12:30 am he was on a routine patrol shift downtown on the pedestrian mall. He said he came upon this scene and called it into dispatch and exited the cruiser. He said dispatch had also just taken a call from the licensee. He said he saw a bunch of bouncers holding a patron down and some bouncers keeping another patron at bay. He said that when he got to Mr. Gigante, he was sitting on the ground with a laceration above his left eye that was bleeding badly. He said his head had made contact with the side of the concrete fountain. He said that two bouncers were ID'd as Thompson and Aristide. He said that no one else was injured. He said that both patrons seemed to be highly intoxicated with bloodshot eyes,

slurred speech and smelled of alcohol. Sgt. Gagnon said that pictures of Mr. Gigante's face (Ex #'s 2, 3, & 4) bleeding and of blood on the pavement were introduced as evidence and were taken by him. He said he called for an ambulance. He said that bouncers said they removed intoxicated patrons and that their own cameras were not working that day. He said that another fight broke out inside as they were outside but by the time the officers got inside the fight had broken up and they cleared the scene. Sgt Gagnon said they ended up having to look at the area City cameras and what Mr. Gigante had told the officers happened was confirmed by the video. He said what the Village Tavern had said seemed to be false. Atty. Correnti asked Officer Whittaker if anyone had told him that Gigante swung or threw punches at the staff. He asked if the staff had to put him on the ground to stop him from swinging. Officer Whittaker said he tried to get the footage from the restaurant. Atty. Correnti asked if the Officer knew how long Gigante had been in the establishment. Officer Whittaker said he believed a few hours. Atty. Correnti asked if he knew how many drinks he had. Officer Whittaker said he didn't. Mr. St. Pierre asked what could have possibly happened to cause Mr. Gigante to be put down on the ground so violently. Mr. St. Pierre swore in Alex Ingemi. Atty. Correnti asked Mr. Ingemi if Mr. Gigante was the patron in the tank top in the video. Alex said yes. Atty. Correnti asked if Mr. Gigante was off of the property. Alex said he was but kept coming back to the door to get in. Atty. Correnti asked if the video showed him being escorted away. Alex said it did by a bouncer named Kyle. He said Mr. Gigante was outside and had not had that much to drink. He said once he was outside, he started mouthing off to the door staff. He said the bouncers were just observing then he came to the property line. He said that at some point not sure when Mr. Gigante got physical with him first, he said he had two scratches on his arm and he was hit in the face. He said that is when the bouncers escorted him further off. Atty. Correnti asked how soon before the video was he was struck in the face and asked if he told either officer if he was hit. Alex said maybe a minute before and said he was not sure if he told them or not. Sgt. Arthur Ingemi said they took pictures. Sgt Doyle said that happened a minute before. Alex said maybe 30 seconds to a minute before. Sgt. Doyle asked Sgt. Gagnon when the first call was made by comparing with the stamped time call. Sgt. Gagnon said about 2 minutes later. He said he corroborated call with video and dispatch. Sgt. Doyle asked if there were any previous calls. Sgt. Gagnon said there were not. Sgt. Doyle asked Alex if there were any calls for help. Alex said no he didn't expect violence. Atty. Correnti asked Alex what is happening in video. Alex said they are asking Mr. Gigante to leave. Atty. Correnti said Mr. Gigante keeps coming back even though he is being told to go. Sgt. Doyle said there are other issues that support our concerns. Mr. St. Pierre said that he believed that he heard some testimony that there was another fight inside while this was happening. Officer Whittaker said there was. He said there was no video of that incident but that all of the patron inside were talking about it. Ms. Greel said she questions this atmosphere. She said this is not the first time. She asked why fighting, assaults and overserving is a thing at this establishment. Mr. St. Pierre swore Sgt. Rocheville who was present for another matter said he submitted a report to Sgt Doyle regarding a patron that was placed into PC because he was so intoxicated coming from Village Tavern he could not stand and was falling into Washington Street. He reported he has come from the Village Tavern. Sgt. Doyle said it is almost a year to the day that the Board had the Village Tavern before them on the same issue of detaining a patron against their will. Sgt. Gagnon and Officer Whittaker said that during a regular week there four to five calls on Thursday, Friday and Saturday for issues at the Village Tavern. Sgt. Doyle suggested maybe it is the Village creating the issues by overserving their patrons. Atty. Correnti suggested that the incident last year was because a female patron complained she may have been being drugged and they tried to stop the person she

thought was doing it. He said as for the person stumbling in the street, they could have come from anywhere. With that he said he knows there is some truth to what the officers have said and to address some of Ms. Greel's concerns he said the Village had made some significant changes. Mr. St. Pierre swore in owner, Andrew Ingemi. Andrew said he wanted to apologize to Mr. Gigante and after seeing the video the first time he was apologetic and said that what happened was absolutely disgusting and that he moved to take immediate steps to make sure nothing like that happens again. He said they have an establishment with 383 seats and they try to watch everyone the best they can. He said they watch for overserving and fights but that they obviously failed. He said they have voluntarily dropped the seating to 300 including staff even though it's a financial loss. He said they will be able to keep better tabs on patrons and said they will put themselves in a better position to prevent things from happening. He said since doing this in November there have only been two police calls. He said prior to making this change he thinks there were about 3 calls per month. He said they have also instituted a dress code and have no entry after midnight. He said that on New Year's Eve when establishments were allowed to stay open until 2am in the City, they closed at 1. He said with some of the changes they are losing money on Thursday Friday and Saturdays but they are invested in their business in the City. He said he is so sorry that this happened. He said there has been progress since changes were made. He said the first time they were before the Board was for a violation of serving a minor and after that they purchased a \$3,000 scanner to check ID's. He showed a book of over 100 ID's he said they have since confiscated. He said the second time last year was for the bouncer issue and after that he looked at many states to see what programs there were available for bouncer training. He said CA has all bouncers take the training. He said the bouncers involved in this current incident took the training and decided to take matters into their own hands. Andrew produced certificates (Ex #7) of training for 13 of the staff and bouncers. He said that the bouncers that were involved in this incident are no longer employed by the Village Tavern. Ms. Greel said it is a positive that they are trying to change the culture there because it hasn't been a good one for a while. Andrew said the influx of patrons from Mercy Tavern and Murphy's closing has been heavy. He said they are doing all they can to prevent any issue like this from happening again. Mr. St. Pierre asked if he has taken a complaint against the bouncers. Mr. Gigante said yes one of them and that one of the bouncers is in the audience. Mr. St. Pierre said he would give Mr. Gigante a moment to speak if he would like as he does not want to shut him out of this conversation. Mr. Gigante did not speak, but his mother did for a moment. She questioned why the owner of a restaurant would allow a bouncer to put their hands on any customer. She said she hears a lot of things about this establishment and that there is a long pattern of the same behavior there. She said there needs to be more than just changes they need to be closed. Mr. St. Pierre closed the Hearing. Ms. Rennard spoke about the previous disciplinary action taken against the Village Tavern stating they served a one-day suspension for serving of a minor in 2016, was called in for a discussion in 2018 for issues regarding the bouncer's being too aggressive. She said there seems to be an admission of assault from the owner. She said that a five days suspension with some held in abeyance would be in line with other disciplinary actions taken. Sgt. Doyle wanted to point out that these changes were implemented only after this incident happened. Ms. Greel agreed and applauded the changes but also feels it was a little too late and noted they took this patron all the way out to public property. She said she would recommend five (5) days suspension with three (3) to be served and two (2) held in abeyance for two (2) years and the three (3) days are to be served consecutively in the next sixty (60) days. Mr. Flores motioned to approve that recommendation. Chairman St. Pierre said the motion carries and Atty. Correnti can contact Ms. Pagliaro to work out the days of the suspension. Atty. Correnti asked if the Board considered that the Village Tavern had never been

suspended for these issues before. Chairman St. Pierre said that it had. (\*\*\*) Ex #'s 5 & 6 are of the Case Cards)

15. Old/New Business: NONE
16. Approval of Meeting Minutes from December 17, 2018. Mr. Flores motioned to approve. Ms. Greel said so moved. Mr. St. Pierre said the motion carries.
17. Adjournment: Mr. Flores motioned to adjourn. Ms. Greel said so moved. Mr. St. Pierre said the motion carries.

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**