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MEETING MINUTES

A meeting of the Salem Licensing Board was held on Monday, July 8, 2019 at 6:00 p.m., at City Hall Annex, 98 Washington Street in the first-floor meeting room. Present were: Chairman Bob St. Pierre, member Deb Greel, Clerk of the Board, Melissa Pagliaro and Special Investigator, Sgt. Doyle and City Solicitor, Elizabeth Rennard. Absent was member Paul Flores.

1. Application several One Day Liquor Licenses for Hamilton Hall, Chestnut Street for the following:

- *9/1/2019 Wedding Reception for 100 people from 12:00-4:00pm
- *9/7/2019 Wedding Reception for 185 people from 5:30-9:30pm
- *9/27/2019 Wedding Reception for 160 people from 5:00-10:00pm
- *9/28/2019 Wedding Reception for 75 people from 5:00-10:00pm
- *10/12/2019 Wedding Reception for 150 people from 5:00-10:00pm
- *10/13/2019 Wedding Reception for 100 people from 5:30-10:30pm
- *10/24/2019 Annual Meeting for Salem Marine Society for 100 people from 6:00-11:00pm
- *10/31/2019 Wedding Reception for 70 people from 5:30-9:30pm
- *11/2/2019 Wedding Reception for 130 people from 5:00-10:00pm
- *11/3/2019 Wedding Reception for 150 people from 3:30-8:30pm
- *11/9/2019 Wedding Reception for 120 people from 5:00-10:00pm
- *11/16/2019 Wedding Reception for 130 people from 5:00-10:00pm
- *11/30/2019 Wedding Reception for 150 people from 4:00-9:00pm
- *12/21/2019 Holiday Dance for 325 people from 9:30pm-12:30am

Mr. St. Pierre motioned to approve. Ms. Greel seconded. Motion carries.

2. Application for a One Day Liquor License for 500 people from 4:00-9:00pm on 1 Bridge St. for a Party on the Bridge. Applicant: Bridge Street Neck Neighborhood Assoc.

Flora Thonthat presented the application. She said there will be a beer tent and that Notch will be serving. Ms. Greel said this is part of the "Lighting up the Bridge" events. Mr. St. Pierre motioned to approve. Ms. Greel seconded. Motion carries.

3. Application for two One Day Liquor Licenses. Applicant: NS Bartending
*7/27/2019 Wedding Reception for 125 guests at House of the Seven Gables, Derby St from 3:00-10:30pm.
*7/18/2019 Clambake for 60 people at the House of the Gables, Derby Street from 4:30-9:30pm.
Ms. Pagliaro presented the completed applications for George McCabe. Mr. St. Pierre motioned to approve. Ms. Greel seconded. Motion carries.
4. Application for a sub licensee fortuneteller at The Magic Parlor, Essex St. Applicant: Joseph Rodgers
Mr. Rodgers was present with Rob, the owner of the Magic Parlor. He said he is seeking the license to do tarot readings, palm readings and ruins. Mr. St. Pierre motioned to approve. Ms. Greel seconded contingent upon the CORI. Motion carries.
5. Application for a Renewal of a Store Fortunetelling License: Applicant: Now Age Travel, Front St.
No one was present.
6. Application for a five-day Blanket Entertainment License for a walking play on 7/19, 7/20, 7/21, 8/17 & 8/18/2019 from 9-10pm from Old Town Hall, Derby Sq. Applicant: History Alive, Inc.
Christina Strick presented the application and said this is the same production as Cry Innocent. She said it is for the listed dates and is a walking play about the underground railroads. Mr. St. Pierre motioned to approve. Ms. Greel seconded. Motion carries.
7. Application for an Entertainment License for radio, piped in music, Karaoke, ten (10) televisions, DJ and live amplified music up to seven (7) pieces. Applicant: Markos Mediterranean Rest., Wharf St.
Attorney Todd Sigel presented the application. He said they have recently opened and are requesting piped in music, TV's, DJ's, live bands for functions and karaoke. Mr. St. Pierre motioned to approve. Ms. Greel seconded. Motion carries.
8. Application for Common Victuallers License at 1 Boston Street. Applicant: New England Sammies, LLC.
No one was present for the application. The building owner Mr. Fred Mattei was present. He said that they have not done anything to secure the proper Health or Common Victualler licenses that they need to keep the restaurant open and running and that he is in the process of having them evicted. He said the utility companies have been there to turn their services off.
9. Application for a Seasonal All Alcohol Liquor License at 75 Congress Street. Applicant La Delicia Restaurant.
Milciades Pichardo, owner, presented the application. He said that after they were not granted the license from Long Boards it was recommended that he apply for a seasonal license. Mr. St. Pierre motioned to approve. Ms. Greel seconded. Motion carries.

10. Hearing with Bistro 118, Washington St. regarding noise complaints.

Frandy Xu, owner and Tricia Phan, friend acting as interpreter were present. Mr. St. Pierre wanted on record that the Attorney for Mr. Xu could not be present tonight and that there was not an interpreter available so that Ms. Phan agreed to interpret, and Mr. Xu wishes to go forward before the Board. Ms. Phan and Mr. Xu agreed that is true. Mr. St. Pierre swore everyone in. Frank DiMarciano and Anna Morneau from the property management company and tenant Phara Murphy were also present and were sworn in. Sgt. Doyle said the records go back to April 25, 2019. He said that Police received a number of noise complaints related to level of music after 11pm and going up to 12:30. He said that officers have spoken to residents and neighbors and the complaint is mainly about the level of bass and volume. He said that a couple of times the owner was spoken to by Officers and the music was turned down. He said that he has not spoken directly to the resident present, but he has spoken with the property manager. Ms. Rennard asked Mr. Xu if he understood everything about the complaint. Mr. Xu said he did. Ms. Morneau said that there also is an issue with the license holder. Ms. Rennard said that the issue before the Board tonight is Entertainment but that it can be noted for the record. Ms. Phan said that should not be heard tonight and that she is the holder of the license. Mr. St. Pierre asked Sgt. Doyle what he thinks could be a resolution. Sgt. Doyle suggested that the Entertainment ends at 11pm. Ms. Rennard said that historically it should be a written warning and then look at that option if the issue persists. Sgt. Doyle suggested moving forward with rolling back the hours as the complaints have been coming in for a few months now. Mr. St. Pierre said that the Board will issue a warning, the 1st and only warning and if the complaints continue that they will be back for another Hearing and because he feels there is already enough evidence the Board will start issuing discipline. He said this is not a get out of jail free card. Ms. Rennard asked if Mr. Xu would like to speak. Ms. Phan said that she prepared a little something because the lawyer could not be here. She said that Frandy has been in that location since 2006 long before there were residences upstairs. She said the tenant has interfered at her business, called the police and harassed her customers. She said she has hired a sound company that said there is no soundproofing that was done between the restaurant and residences. She said she has removed one speaker to help with the sound and the bass is on the lowest it can go. She said since doing these things the last complaint was on 5/23/19. She said her business has been there since 2006 and that RCG did not do the appropriate soundproofing and still has a hole that was left in the ceiling that was never finished and is still open. Mr. Xu said that he has had an entertainment license for a long time, he said that he is friendly and that he tries to do a lot of things for the community. He said he tried to communicate with the residents in a very friendly way. He said he tried to work with the residents and the DJ. Ms. Phan says that she is doing things the same way they have all these years. Mr. St. Pierre asked Ms. Rennard who needs to check if the spaces were not properly insulated. Ms. Rennard said that would be the Building Dept. Mr. St. Pierre asked if RCG had anything to say. Jim Gagnon, building manager said that the building was recently renovated and that there was very proper insulation between floors and that the Building Dept. has all of their plans. He said there was a hole left in the ceiling and that will be addressed. He said there are many, many layers of insulation between the floors including and entire floor of office space before residences start. He said that the building was completely inspected. He said the complaint is mainly the excessive bass that is being played. He said the Engineer suggested a few fixes to mediate the noise but Bistro refuses to comply with any of them. He said that in the lease Ms. Phan signed it does state that there will be residences up above the restaurant and that there is a section clearly regarding music and noise. Ms. Phan said she didn't know about any remedies or tenants above. Mr. Gagnon said it is all in the lease she signed. Mr. St. Pierre said this will accept a motion to give a written warning and that they should work together to try and resolve this matter because discipline could be up to including suspension of the license. Ms. Greel seconded. Motion carries.

11. Old/New Business:
12. Approval of Meeting Minutes from July 8 and July 18, 2019. MS. Greel motioned to approve. Mr. St. Pierre seconded. Motion carries.
13. Adjournment: Ms. Greel motioned to adjourn. Mr. St. Pierre seconded. 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