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LICENSING BOARD MEETING MINUTES

A meeting of the Salem Licensing Board was held on Monday, July 13, 2020 at 6:00 p.m., via ZOOM, an online video conference call system. Present on call were: Chairman Gary Barrett, member Deb Greel, Clerk of the Board, Melissa Pagliaro, City Solicitor Elizabeth Rennard and Special Investigator to the Board, Sgt. John Doyle.

1. Application for a Store Fortune Teller License at A Sacred Place, Witch City Mall. Applicant: Rainer Goldberg.

Ms. Rainer was present as well as the owner of a Sacred Place, Daryl Bennett. Ms. Rainer said she would like to be able to do card readings. Ms. Bennett said they will not do them in store until they are permitted by the Governor's orders. Ms. Greel motioned to approve pending the CORI check. Mr. Barrett seconded provided they follow any and all guidelines set by the State. Motion carries.

2. Application to Transfer an Annual All Alcohol License. Applicant: A&V Restaurant Group, LLC d/b/a Las Castanuelas at 282 Derby St. formerly Cilantro.

Postponed until the August 24th meeting.

3. Application for Common Victuallers License. Kned Eats, Inc. d/b/a Boston Hot Dog Company, 60 Washington St.

Michael Derk, new owner presented the application. He said his career has been in food. He said he moved to Danvers one year ago and the opportunity for Boston Hot Dogs was presented. He said he has changed the menu a bit and cleaned the place up but it is the same concept. He said his hours of operation will be from 11am-11pm, 7 days a week. Ms. Greel motioned to approve. Mr. Barrett seconded. Motion carries.

4. Application for a Change of Manager to Kimberly Hopkins. Applicant: Gulu-Gulu Café, Essex St.

Kim Hopkins presented the application with owner Steve Feldman. Ms. Hopkins said she moved to Salem last year from Oregon but has been managing restaurants for 8 years and is TIPS certified. Ms. Greel motioned to approve. Mr. Barrett seconded. Motion carries.

5. Violation Hearing with Arge's Liquors, 18 Boston St., Mike Ghaly for serving an intoxicated person.

Magdy Ghaly, owner was present. Officer Ryan Arundel was present as a witness. Both were sworn in by Mr. Barrett. Sgt. Doyle said this Hearing is being held as a result of the most recent incident at Arge's on May 8, 2020. Sgt. Doyle asked Officer Arundel to refer to the police report. Officer Arundel said there have been several, long time issues with homeless population in that

area of Boston St. and Splaine Park. He said Community impact is heavily involved with the issues in that area. He said on this night he saw a man known as David Pierce who has had several issues in the area/ Officer Arundel said that he observed Mr. Pierce go into the store with clear signs of intoxication. Mr. Barrett asked what time this was. Officer Arundel said about 6pm. He said he approached Mr. Pierce to find that he has purchased 2 cans of alcohol and 2 nips from the clerk in the store Alex Diaz. Sgt. Doyle asked Officer Arundel spoke with the Clerk. Officer Arundel said he did. He said he told them who he was and what he was doing in the area. Officer Arundel said that Mr. Diaz said that he did not know that the customer was intoxicated and gave him the manager's number to follow up with. Officer Arundel asked the clerk if he was familiar with Mr. Pierce. Mr. Diaz said he was a daily customer. He said he knew some of the other group of people Mr. Pierce was associated with. Sgt. Doyle said that there was another incident with Mr. Diaz and another clerk Ryan Robinson on April 29, 2020 with another customer that involved Sgt. Rocheville, but the same issue. Ms. Greel said from working on Artist Row she is aware of the issues the Community Impact is dealing with on this problem. Officer Arundel said that they work with residents in the area of Boston St. and the park and the owner of the laundromat on these issues. Ms. Rennard asked if Mr. Ghaly has any questions for Officer Arundel. Mr. Ghaly said he did not have any questions but would like to speak. Mr. Ghaly said he has lost 3 employees since the virus has started. He said Mr. Diaz is 21 years old and did not mean to serve Mr. Pierce. He said with distancing and masks it is hard to assume the condition of a customer when they are in the store for a minute. He said his store is a magnet to the homeless population because they gather in the area. He said his store is a victim of this problem as well. He said they have called the police themselves. He said he cooperates with police on neighborhood issues. Mr. Barrett asked when Mr. Diaz had been hired. Mr. Ghaly said in May and that he was only there for a month or a month and a half. Mr. Barrett asked if Mr. Ghaly has talked to his staff. Mr. Ghaly said that Mr. Diaz left after this event and that the store now is being run by he and his wife and a couple of new employees during the day when it is slower. He wanted to reiterate they are also victims of these issues and said they have had two or three guys trespass in the last couple of months. He said sometimes these customers fight with him and his staff. Mr. Barrett asked Sgt. Doyle for a recommendation. Sgt. Doyle noted that there were a few complaints about 5 and 6 years ago. He said in 2014 they received a verbal for selling to an intoxicated person and another in 2014 a written warning for selling to minor and in 2015 two counts of selling to a minor for which they were given a 3 days suspension which two were served and one was held in abeyance. He said he will let the Board decide the action and how to administer it. Ms. Greel said she understands what the owner is saying but that also anyone working for any period of time in a store selling alcohol should know and understand the regulars and the issues. Mr. Barrett pointed out that their record has been clean for five years and that they have worked with the police to try and address some issues. He said that he should have learned from past history. He said he does believe the violations merit a suspension. He said the Board is prepared to issue a three-day suspension with two days held in abeyance for one year. He said they don't want stores to be selling to persons who are intoxicated. Ms. Rennard asked Mr. Doyle which day of the week the May 8th incident was on. Sgt. Doyle said that is was a Friday. Ms. Rennard said the Board can decide which say of the week the suspension will be. Ms. Greel motioned to approve a three-day suspension with two days to be held in abeyance for one year. Mr. Barrett seconded. Motion carries. Ms. Rennard said that they will receive a letter from Ms. Pagliaro outlining the suspension if they want to appeal. If not, they can notify the Licensing Dept. of which day they would like to have their suspension so the license can be dropped off. There was no further discussion.

6. New Business/Old Business:

NEW: Ms. Rennard said there has been a third Board member appointed to the Board. She said Mr. Gary Santo will be joining the Board for the meeting in August.

7. Adjournment

Ms. Greel motioned to approve. Mr. Barrett seconded. Motion carries.