



KIMBERLEY DRISCOLL
MAYOR

CITY OF SALEM, MASSACHUSETTS
LICENSING BOARD
93 WASHINGTON STREET 2nd FLOOR
SALEM, MA 01970
TEL. 978-745-9595 EXT. 5631
FAX 978-744-1279

ROBERT M. ST. PIERRE, CHAIRMAN
PAUL FLORES
RICHARD C. LEE

MELISSA PAGLIARO,
CLERK OF THE BOARD

MEETING MINUTES

A meeting of the Salem Licensing Board was held on Monday, November 9, 2015 at 6:45 p.m., at City Hall, 93 Washington Street in the Council Chambers. In attendance: Chairman, Bob St. Pierre and Member Rick Lee, Special Investigator Sgt. Dennis Gaudet and Clerk of the Board, Melissa Pagliaro. Absent was Member Paul Flores.

1. Application for Street Performers Licenses. Applicant: Dylan Belair.

Dylan said he would like to play guitar downtown. Chairman St. Pierre asked him if he read the rules and regulations and how old he was. Dylan said he had read them and that he was 13 years old. Rick Lee said that he would need to have an adult present with him while he was performing. Rick Lee motioned to approve. Chairman St. Pierre seconded. Motion carries.

2. Application for a One Day Liquor License on 12/7/15 from 6:00-8:00 pm for a Paint & Sip Night at Winter Island Function Hall, Winter Island Road. Applicant: Kathy McCarthy, Council on Aging.

Kathy McCarthy presented the application. She said that it is a paint and sip night that the Park & Rec. Department is putting on at the Winter Island Function Hall. Chairman St. Pierre asked what would be served. Kathy said wine, soft drinks and an adult holiday punch. Rick Lee motioned to approve and Chairman St. Pierre seconded. Motion carries.

3. Application for a Transfer of an Annual Wine & Malt License, formerly Brisas del Caribe, Lafayette Street and a Change of Location. Applicant: D & J Restaurant d/b/a Okea Grill & Sushi Restaurant, 293 Jefferson Ave.

Attorney Gail Laroe and applicant Dwayne Sandler presented the application and Rosa Hernandez current owner of the license was present as well. Attorney Laroe said they are in the final stages of preparing the Transfer of the License from Rosa to Okea. She said once the Licensing Board approves the Transfer the funds will be released to obtain the Certificate of Good Standing through the DOR so the application can be submitted to the ABCC. Rick Lee motioned to approve the Transfer of an Annual Wine & Malt Liquor License from Rosa Hernandez/Brisas del Caribe to Okea Grill & Sushi Restaurant. Chairman St. Pierre seconded. Motion carries.

4. Discussion with Grapevine Restaurant regarding the status of their Liquor License.

Kristen Zarkades, owner was present. Chairman St. Pierre asked her what was happening with the License and said at this point it is a pocket license, which the ABCC does not allow and the Board will have to have her report to them on a monthly basis until there is an agreement to sell and transfer it. Kristen said that they've had an agreement that fell through and know they have another fully executed P & S. She said they have been closed since January 15 of this year and there should be an application to Transfer soon. Chairman St. Pierre said that the Board will have her back once a month to update them on the Status.

5. Hearing continued from with In a Pig's Eye regarding their Entertainment License.

Attorney Reed, Jennifer Reardon, and James Gaddis were present. Chairman St. Pierre said that this was continued from the last meeting because he was not present. Atty. Reed said that they would like to have the Entertainment License restored fully. He said that last month they were given back amplified music on Friday and Saturdays and that Mr. Gaddis has taken great care to reduce the noise. He said the complaints have primarily been from one problem person that the Pig has tried to work with but he refuses. He said the Pig has the longest standing entertainment license in the City. Chairman St. Pierre asked what exactly has been done about soundproofing. Mr. Gaddis said that at the last meeting they had provided pictures of fire and sound proof double curtains over windows and doors, sound boards over the stage area, he said this has cost about \$3,500 and in addition purchased a professional decibel reader as requested by the Board. He said he has a couple weeks of those reading printed out tonight for the LB to review and they are side by side with a phone app meter which tends to run higher. He showed that the readings that have been taken from across the street where complaints have come from are well below the 80 decibel level. He said they are all time and date stamped. He said they are taking this very seriously and last night someone called the police at 10:25 pm for excessive noise and the police report said it was not unreasonable. He said that the Pig has files a harassment suit against neighbor Mr. White. He said they are losing revenue because of this issue. Mr. Lee said at the last meeting there was also discussion about controlling the patrons that gather outside the establishment and asked what has been done to address that. Mr. Gaddis said that he goes out there during music breaks, and at closing time. He said police came by one night on a routine drive while a few people were outside and were told to disperse and they did so without incident. He said that the Pig's crowd is very well aware of the situation they are facing and are trying to be supportive of what we are trying to do, He said it is continually the one neighbor who is an issue. Chairman St. Pierre said that he was happy to see all they have done since the last time the LB took action he only wished they had done all this sooner. Det. Gaudet said that at the 10/13 meeting there was a large group with about half for the Pig and half against. He said that he sat outside of the Pig one night 3 weeks ago between the hours of 10:30 and 11:30 pm and there was not a sound, except for the occasional groups that would come out of about 6-9 patrons and they were not loud. He said that he has yet to go by with a decibel reader as they were tied up during Haunted Happenings. He said there have been two calls since last meeting, one the officer reports no issue and the other the establishment called the PD for help with a patron. Chairman St. Pierre said that he was going to give the public a chance to speak. Robert White of Daniels Street said that last night they were breaking the rules by having amplified music and bongo drums. He said he hears the noise so loud in the bedroom that he can't use it. He said that part of the problem is that no one has come into his house to hear what it sounds like. He said he has recordings of them still doing what they are not supposed to. He said there are no reports from engineers or anyone to say what it will really take to rectify the problem. He asked how much experience Mr. Gaddis has in soundproofing. He said the door of the pace is glass and the frame is wood and his solutions are not working. The Chairman said that was his opinion and the clearly Mr. Gaddis has taken action and the LB wants to continue to work with him. Mr. White said that he none of the sound issues were addressed by and engineer. Mr. Lee asked Mr. White if the problem was any bit better. Mr. White said a tad better, there aren't people urinating outside of the restaurant and the noise is a bit better. Chairman St. Pierre said that they will continue working on this. Mr. White began to say that in October a brick was left on his front step. Det. Gaudet said there is no evidence that incident was related to any of this so they will not discuss that here. The Chairman said that Mr. White is kind of spinning his wheels and asked if there was anything else to contribute tonight. Det. Gaudet said now that October is over he will have more time to check on noise at the establishment. Mr. White said he has video, not from inside, of three nights that they played past the allowed time and had drums and amplification. The Chairman said that unless it is from a police source he will not view the recordings. Mr. White said he is willing to drop all of this if he gets some relief. Mr. Lee said that Mr. White admitted it is a bit better and said he believes the Pig is trying to address issues and do the right thing. Chairman St. Pierre said that he would not be opposed to a motion to restore the license and have the Pig continue meaningful work to fix these issues. Ms. Reardon said she just wanted the record to reflect that she has tried numerous times over the years to work with Mr. White to no avail. The Chairman said if there are any issues the Board will bring them back in. Mr. Lee motioned to fully restore the Entertainment License for the Pig's Eye. Chairman St. Pierre seconded. Motion carries.



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6. Hearing with Arge's Liquors, 18 Boston Street, regarding two counts of allegedly selling to minors.

Magdhy Ghaly, owner was present with two Salem police officers as witnesses, Lt. Brian Gilligan and Officer Robert Cunningham. Chairman St. Pierre swore in Mr. Ghaly and both Salem PD witnesses. He explained that Mr. Gaudet would present the case and Mr. Ghaly could cross examine the witnesses after if he wished to do so. Det. Gaudet first called Officer Cunningham for an incident that occurred on 9/12/15. He said that he was with Det. Baglioni on that night and that they were doing cops in shops. He said they were parked in an unmarked car about 25 yards from the entrance of the store and could see that the person who entered appeared young. He said when the male came out of the store he had a 12pack and a 30 pack of beer. He said that when the approached the vehicle and asked the minor for an ID he gave them a MA ID which showed his age to be 18 years old. His passenger in the car was 17. He said they did give the officers out of state, fake ID's that showed the same picture but different dates of birth. He said they were taken to the police station for their parent to come and get them and Officer Cunningham went back into the store to talk to the Clerk. The cashier said he kept telling the owner of the store to get a scanner but he has not. The Clerk said that the minor showed him an ID. The Chairman asked Mr. Ghaly if he had any question for the Officer. Mr. Ghaly said the police do a great job and he doesn't have any question for them at all. The Chairman said those are the same words he used last year when he was before the Board. Det. Gaudet then called Lt. Gilligan who a\said he was also with Det. Baglioni on 9/18/15 working an Alcohol Enforcement Program. Lt. Gilligan said there attention was drawn to a young female/male couple that went into the store. He said the male went in at first and came out with nothing, he said a little while later the same young male came back and went into the store and came out with alcohol. He said they stopped him based on his young appearance and he was 20 years old. He said he had 4 nips and a bud light beer. He said that the minor did not have an ID; he said that the minor did not have a MA id on him but told the officers he had a fake ID from CT but did not have it on him. Lt. Gilligan said that he went in and asked the store clerk to show hi, the video, He said the clerk told him he did not and could not operate the video system which Lt. Gilligan did not believe. He said he was very uncooperative and did not assist us in the investigation. He said he noticed when he left the store the Clerk was holding his head in his hands shaking his head back and forth. Chairman St. Pierre asked if they ever got the ID. Lt. Gilligan said they did not but through the Department systems they were able to confirm the male's age at 20 years old. Lt. Gilligan said the minor told the officers he purchases alcohol there all the time. He said he was confirmed as Robert Abreau with a date of birth of 7/10/95. The Chairman asked Mr. Ghaly if he had any questions for this officer. Mr. Ghaly said he did not. Mr. Ghaly said he ensures the Board it is not his policy to sell to minors. He said the clerk in the first incident is named and has been there for 11 years and never had a problem regarding selling to minors. He said in the second incident the clerk was a new employee and it was not his intent to sell to a minor and he said again it is not their policy to sell to minors. He said that he will do anything to cooperate with the police and Licensing Board. Chairman St. Pierre said that the LB has a policy too and this is the 4th time in one year that his store has sold to a minor. He said he has never seen that before on his 5 or 6 years on this Board. He said the 1st and 2nd time he got a verbal and a written and his license will be suspended this time and that if this happens again the Board will come down extremely heavy on him and will consider revocation of the license. He said he supports a 3 days suspension with one day held in abeyance for a one year period and two days to be served on the days which the violations occurred which were on a Friday and a Saturday. He said on one of the most recent events no ID at all was asked for. The Chairman said that Mr. Ghaly's name is on the license and he is responsible for what happens. Mr. Lee said the last time this happened last November, the LB instructed him to get a scanner and know what forms of ID's are accepted in MA. He said he should not

be accepting out of state ID's and he is still doing it. Mr. Ghaly agreed and said it was time to get a scanner. Mr. Lee motioned to suspend the license for 3 days with one day to be held in abeyance for one year. He said Mr. Ghaly is to close on November 20th & 21st, 2015. Det. Gaudet will be there at closing on the 19th to pick up the license. Chairman St. Pierre seconded. Motion carries.

7. Vote of the Board to approve 2016 License renewals for Alcohol, Common Victualler, Entertainment, Auto Amusements, Auto Dealers (Class I, II & III) and Lodging Houses.

Rick Lee motioned to approve all of the above mentioned License Renewals for 2016. Chairman St. Pierre seconded. Motion carries.

8. Communications: NONE

9. Old/New Business: NONE

10. Approval of Meeting Minutes from October 26, 2015.

Rick Lee motioned to approve the Meeting Minutes from the 10/26/2015 meeting. Chairman St. Pierre seconded. Motion carries.

11. Adjournment

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.