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GARY M. BARRETT, CHAIRMAN
GARY F. SANTO, JR.
DEBORAH A. GREEL

SGT. MIKE BALL, SPEC. INV.

MELISSA MOJICA,
CLERK OF THE BOARD

MEETING MINUTES - DRAFT

A meeting of the Licensing Board was held on November 13, 2023 at 6:00 p.m. In attendance were Chairman Gary Barrett, members Deborah Greel and Gary Santo, City Solicitor Beth Rennard and Clerk of the Board, Melissa Mojica. Absent was: Special Investigator to the Board, Sgt. Mike Ball.

1. Application to amend the time of one day liquor licenses for the Frozen Fire Festival week, December 26, 2023 through January 1st, 2024 from 11am-12am, previously approved for 4pm-12am (Mon-Thurs). Applicant: The Anthem Group. Event to be held at Charloette Forten Park, Derby Stret.

Shelby Elwell presented the application for amendment to request the hours be extended. Mr. Barrett asked what changed. Ms. Elwell said the number of performers and expanded programming for the event. Ms. Greel asked if family friendly event why expand the liquor serving hours. Ms. Elwell said it was more about expanding the event entirely. Ms. Greel said she is ok with approval but just wants to make the point that hours without alcohol seem good to her too. Ms. Rennard said there was no one in public asking to speak. Mr. Santo motioned to approve. Ms. Greel seconded. Roll call vote: 3-0.

2. Application for a One Day Liquor License for a Wedding on June 29, 2024 from 4-10pm at The House of the Seven Gables, Derby St. for 80 people. Applicant: Rebecca Wangaman.

Moved to a meeting at a later date.

3. Application for a one Day Liquor License for a New Year's Eve Dinner & Dance on December 31st from 9pm-1am for 80 people. Applicant; Saint John Paull II Shrine of Divine Mercy, 34 St. Peter's Street.

Marilyn Costa presented the application. Mr. Barrett asked about the event. Ms. Costa said it is for the Annual NYE Dinner/Dance held in the cafeteria of the school. She said there won't be more than 80 people and one of the parishioners is TIPS certified and will be serving and they have also called to arrange for a police detail. Mr. Barrett asked Ms. Mojica if the paperwork was complete. Ms. Mojica said that it was. Mr. Santo motioned to approve. Ms. Greel seconded. Roll call vote: 3-0.

4. Application for a one Day Liquor License for a fundraising event on November 14th from 6:30-9pm at ROOT, 35 Congress St. for 90 people. Applicant: Root NS, Inc.

Faith Emerson presented the application. She said there will be a TIPS certified server and a crowd manager present for a Celebrity Chef Fundraising event. Ms. Greel mentioned the application being received late. Ms. Emerson said this was her first time applying and wasn't aware of the process and it wasn't intentional but now she knows. Ms. Greel motioned to approve. Mr. Santo seconded. Roll call vote: 3-0.

5. Three applications for One Day Liquor Licenses. Applicant: NS Bartending.

Erin McCabe presented the applications.

- 1- November 21st – 6-9:30pm, Salem High School Athletics Hall of Fame event at Salem State University, 352 Lafayette St. for 100 people. Mr. Santo motioned to approve and waive the fee. Ms. Greel seconded. Roll call vote: 3-0.
- 2- December 13th – 2-5:00pm, President's Holiday Faculty Reception at Salem State University, 352 Lafayette St. for 200 people. Ms. Greel motioned to approve and waive the fee. Mr. Santo seconded. Roll call vote: 3-0.

3- December 13th – 5-7:00pm, Holiday Party for Salem Partnership at Hampton Inn, 11 Dodge St. for 50 people. Mr. Barrett asked about the premise already being license. Ms. Mojica explained that this is a part of the actual Hotel separate from the Rivalry Restaurant. Mr. Santo motioned to approve and waive the fee. Ms. Greel seconded. Roll call vote: 3-0.

6. Application to add cordials to an existing Annual Wine & Malt License at 122 Washington St. Applicant: Ugly Mug Diner.

David Babcock, owner, presented the application. Ms. Rennard said this is an application to add Cordials to his existing Wine & Malt License. Mr. Babcock said he is hoping to add better offerings at the restaurant. Ms. Mojica said that all of the paperwork is in order. Ms. Greel asked which cordials are allowed. Ms. Rennard said there is a full list on the ABCC website. Ms. Greel motioned to approve. Mr. Santo seconded. Roll call vote: 3-0.

7. Application for an Alteration of Premise at 107 Essex St. Applicant: Bella Verona.

Carlos Bammanca presented the application. Mr. Barrett asked what he was looking to do. Mr. Bammanca explained they have secured the empty space next to them so he is applying for the alteration which will allow him to add between 19/25 seats. He said they are very excited to be expanding their current space. Mr. Santo motioned to approve. Ms. Greel seconded. Roll call vote: 3-0.

8. Public hearing on proposed regulation to require an Alcohol Training Program for Licensees' Manager, Assistant Manager, and all persons responsible for viewing identification cards to determine the age of patrons for service of alcoholic beverages.

Ms. Rennard said that the Board has always mandated this but needs to make it a permanent requirement of holding a liquor license. Ms. Greel said a while back there were issues with owners of establishments and their staff not being certified and that is a problem. Mr. Santo said it has always been a great idea. Ms. Rennard said she sees no one in the public audience that wishes to speak on this. Mr. Santo motioned to close public hearing and to make mandatory for all person handling or serving alcohol to be TIPS (or other program) certified effective 11/14/2023. Ms. Greel Seconded. Roll call vote: 3-0.

9. Public hearing on proposed regulation to prohibit the sale, for consumption off premise, of alcohol in containers smaller than 100 ml.

Mr. Rennard opened the public hearing for discussion.

Steve Kapantis said the ban is not rational and will hurt our local package stores. He said to start there are not enough trash receptacle in the city. He asked how much enforcement has been done with regards to littee, how much enforcement has been done. He asked why Salem is targeting nips bottled He said the City is asking to adopt this ban with no sufficient information on litter. He said someone collected trash and nips were number four on the list of what was collected. Mr. Barrett said the Board will want to see some information from DPW and other departments. Mr. Barrett asked how many people collected trash. Mr. Kapantis said one person. He said the most recent City in MA to ban nips is New Bedford and that led to a lawsuit. He said why take the chance of incurring those fees before we see how that turns out.

Mr. Patel of Quality Liquors said that they will lose about 30% of their revenue if this ban happens. He said customers will only bring them in from surrounding towns and still throw them here. He said there is a possibility people will sell nips illegally. He said he may have to let people go with the loss of revenue.

Drew Patel owner of New Market on Bridge St. said he is also a resident of the City. He said he shares concerns regarding litter. He said communication between businesses' and police is needed to enforce. He said outside of his store he keeps clean and has lots of trash from Dunkin Donuts. He said that there can be other things done like more trash barrels outside of stores and enforcement and signs posted. He said it's a behavioral issue as well. He said most people dispose of trash correctly. There was discussion about the percentage of Nip/hard liquor sales with Mr. Santo. Mr. Patel said they will lose revenue. He said hard liquor sales are about 40% and of that 40% about 15% is in nips.

Raja Patel of Busa Wine & Spirits, Highland Ave., said this will adversely affect our business. He said he sees more liter in his area from surrounding restaurants, cigarette butts and empty grocery food items than

nips. He said he sees tons of Dunkin Donuts trash scattered. He said they are a small family run business with a few local employees. He said banning nips will not solve the trash problems. He said they will buy them somewhere else. He said the revenue will be a big loss for small family run businesses.

Andy Varela said he's heard what has been said and understands this would change some business models. He said nips are small concealable bottles and can be hidden while walking and riving and can be tossed easily. He said he thinks it helps with underage drinking. He said there's a lot of reason it's not just about litter. He said there is an issue with nips and we have to start somewhere. He said they aren't recyclable. He said just in October the person that hit a pedestrian on Essex St. had nips in the car. He said this is a great first step.

Mr. Barrett asked Mr. Varela the last time State Legislation or other community considered ban on nips. Mr. Varela said that environmental specialist in Swampscott is looking to get a conversation started and some legislation until we figure out the redeemable quality of nips.

Umang, manager of Loring Liquors said nips are about 25% of their sales. He said they are also a small family-owned business. He said this business is our bread and butter. He said his customers will go someplace else. He said he is willing to work with the city and other small retailers on solutions. He said he and his staff always clean the area surrounding his store.

Ms. Rennard said two letters were also received and will be kept on file. She said the first was from Salem Sound Coast watch in support of the ban saying that non-recyclable trash contributed to pollution and that Marine debris is a critical issue. They said that this year alone more than 2000 pounds of trash was collected.

She said the next letter was from the Chair of the Board of Health, Jeremy Shiller in support of the ban saying the ban will help to keep the city clean and that there is a public health benefit. He said Chelsea saw a drop in alcohol related hospital patients and it may help with drunk driving.

Anthony Carnevale of Salem Liquors on North St. said that this will make a huge impact on his business. He said nip purchases come with other purchases. He said he is close to both Beverly and Peabody lines and will lose business to them and then they will be brought back into Salem anyway. He said this move will handicap businesses in Salem. He said until there is a statewide ban it is just hurting businesses. Even in the height of October they are brought in from other communities and thrown here.

Drew Patel said the problem around alcoholism is very sad but that will be there if nips are present or not. He said sometimes people who drink actually use nips as alcohol control. He said thankfully Salem doesn't have big box stores. He said he is asking this Board not to adopt this ban and to work to find other solutions.

Ms. Rennard said the Board wants to hear from DPW and other departments and the Hearing should be continued. Mr. Barrett said yes to that. Ms. Greel asked if Police should be included. Mr. Barrett said yes. Ms. Rennard asked Ms. Mojica to invite Katie Nieman from beautification committee, Health Dept., Police Dept., and DPW. Mr. Santo motioned to continue until the December 18th meeting. Ms. Greel seconded. Roll call vote: 3-0.

10. Old/New Business:

*Mr. Barrett asked if an application for a new manager has been submitted yet by Dire Wolf Tavern. Ms./Mojica said she will check in with them again and has not received an application yet.

*Ms. Mojica said that Rizzo's Paradise Road has been given a new legal ad for the next meeting as they are not understanding the procedure so they should be on the Agenda for December.

11. Adjournment: 7:15 pm. Mr. Santo motioned to adjourn. Ms. Greel seconded. Roll call vote: 3-0.