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

SGT. MIKE BALL. SPEC. INV.

MELISSA PAGLIARO,
CLERK OF THE BOARD

LICENSING BOARD MEETING MINUTES - DRAFT

The Salem Licensing Board met on Monday, July 26, 2021 at 6:00 p.m. via remote participation in accordance with Chapter 20 of the MA Acts of 2021. Present was Chairman Gary Barrett, members Gary Santo, Jr., Deb Greel, Clerk of the Board Melissa Pagliaro and City Solicitor, Beth Rennard and Special Investigator to the Board, Sgt. Doyle and Sgt. Mike Ball.

1. Application for a One Day Liquor License on August 29, 2021 at 34 St. Peter St. for the Annual Polish Picnic from 12:00pm-6:00pm for 300 people. Applicant: Marilyn Costa for Saint Paul Shrine of Divine Mercy.

Marilyn Costa presented the application and said that there will be a police detail as well. Ms. Pagliaro said that the application and all paperwork was in order. Mr. Santo motioned to approved. Ms. Greel seconded. Motion carries. Roll call vote 3-0.

2. Application for a One Day Liquor License on August 14, 2021 at Derby Wharf for the White Event from 5:30pm-8:30pm for up to 250 people. Applicant Kathy Genis.

Solicitor recommended approval with condition that the serving stops a half hour before the end of the event and that bottles that were opened were for two or more people. Ms. Pagliaro said that all paperwork was in order. Ms. Greel motioned to approve. Mr. Santo seconded. Motion carries. Roll call vote 3-0.

3. Application for a Blanket License for Vendors and Entertainment for the Voice for the Voiceless event on August 28th from 3pm-7pm at the Salem Common for people. Applicant: Yashira Hernandez.

Yashira Hernandez presented the application and said she is in the process of getting set up for a non-profit for domestic abuse victims on the North Shore. She said she already has the approval from Park & Rec for the event. She said there will be some informational vendors and others selling merchandise and have a bouncy house and a DJ from the radio station 96.9. Ms. Rennard said she will need to monitor noise levels and have insurance for the bouncy house. Mr. Santo motioned to approve four vendors, with appropriate permits and insurance and a DJ for entertainment and she must go to Health for food permits. Ms. Greel seconded. Motion carries. Roll call vote 3-0.

4. Application to amend the entertainment license to include permanent outdoor entertainment in the form of a DJ, a TV and piped in music daily between 12pm and 11pm. Applicant: Brodie's. Derby St.

Joel Votto presented the application. He said that he is asking for some outdoor entertainment, no more than three or four. He said he knows drums might be too much and he doesn't have to have them. He said he would like some entertainment like the Waterfront Hotel and some other

surrounding establishments because it's a good way to keep customers. He said right now all he is approved for outdoors is two small patio speakers. Mr. Barrett said he would just like to be cautious as Mr. Votto was before the Board before. He said he does not see a problem with a few out there performing and he's not so sure about drums. Mr. Votto said he just wants outdoor entertainment like everyone else has and he understands the drum concern. He said he hears the music from the beer garden and Regatta at his establishment. He said he does not want to disrupt anyone. He said he isn't the only one who wants entertainment and he just want to be able to be competitive and not lose customers to other establishments. He said Waterfront never had it before and they asked and received it without an issue. He said he just wants to be in sync with other establishments. Mr. McGee from the public audience asked to speak. Mr. Barrett allowed it. He said Brodie's has been before the Board before. He said he lives directly across from the restaurant. He said the noise from other places doesn't impact him and his neighbors because the Hotel's brick building blocks it. He said the bottom line is restaurants before Brodie's never bothered them until Brodie's opened. He said the establishment hasn't followed the rules of their entertainment license. He said even their indoor entertainment is loud and all the sound bounces off all the brick that surrounds them. He said the hotels sound bounces off the water in the other direction. He said there is a complaint from Salem Waterfront regarding the noise as a nuisance. He said the COVID period gave them a trial for an outdoor license that Brodie's did not follow. He said that the City Solicitor Rennard in fact wrote a letter that they were in breach of their license. He said that this is not fair to residents and that he cautions the Board to only give a trial license. He said that Mr. Votto has stepped on the Boards trials before. Sgt. Doyle said that the Waterfront Beer Tent and the Regatta are not comparable locations. He said there were about half dozen complaints on Brodies last year and half were unfounded. Mr. Barrett asked what the times of complaints were, and Sgt Doyle said roughly about 8pm. Mr. Votto said that 8pm to have entertainment is not unreasonable. He said that Mr. McGee has been and is constantly on the attack of his establishment for along time now. He said he is 66 years old and had work 80 hours a week 7 days a week and he is just trying to keep his restaurant surviving. He said he runs a very good restaurant and is only asking for they all have to be competitive. He said he is not trying to make enemies. Bonnie Belair from the public audience was allowed to speak. She said she now lives at 20 Central St. but lived at Pickering Wharf for many years. She said there were always issues between residents and business regarding noise. She said it is just her opinion that music 7 night a week until 11pm is excessive when people have to work. Mr. Barrett asked if there were the complaint letters in the file. Ms. Rennard said there were during COVID but nothing recent. Mr. Votto denied ever breaking what was agreed to with the Board. Ms. Greel said it been more than once that Mr. Votto has been in over the years. Mr. Barrett said he does understand both sides. He said he doesn't think an amplified guitar and drums are a solution, but he doesn't see any harm in ana acoustic set up. He said if there are issues, we can call Brodie's back in to address them. He said it's not fair to cut them off from entertainment completely. He said the hours are a bit of a conflict. Mr. Votto said he will work with what the Board grants him. He said he might not have it every night or all the time, but he wants the ability to. He said Saturday and Sundays wouldn't be later than 10pm. Mr. Greel said where he is looking to have the outdoor permanently how would that work inside. Mr. Votto said the live would be either in or out but not both. Mr. Santo asked about the TV. Mr. Votto said he would like to put one on the patio like Regatta has on the Derby St. side. Mr. Barrett said its hard where he is surrounded by residences. Mr. Votto said so are most other places. There is noise everywhere and everywhere has entertainment. Ms. Greel said a lot of placed don't have TV's outside. Mr. Santo said a lot of places that do have no sound. Mr. McGee said a television for sporting events will create more noise with people yelling and cheering. He said that creates a party environment outside. Mr. Santo said maybe we meet in the middle and compromise and if there are any big sporting games Mr. Votto come back to let the Board know his plan. Ms. Greel mentioned that the Board has already expanded outdoor seating at establ8shment so there are more people outside. Mr. Barrett said he would accept a motion. Mr. Santo motioned to approve outdoor entertainment from 12-8pm Sunday through Thursday and from 12-11pm Friday and Saturdays, in the form of: two small outdoor patio speakers with piped in music, one TV with no sound, one acoustic musician and one amplified singer and must comply with decibel limits. Ms. Greel seconded. Motion carries. Roll call vote 3-0.

5. Application for a sub licensee fortunetelling license at Crow Haven Corner, 125 Essex St. Applicant: Ashley Rodrigues.

Ms. Pagliaro said that all the paperwork was in order and the results of the CORI are pending. Ms. Greel motioned to approve. Mr. Santo seconded. Motion carries. Roll call vote 3-0.

6. Application for a sub licensee fortunetelling license at Ascend, Get Lifted, 192 Essex St. Applicant: Lynn Jaques.

Ms. Pagliaro said that all the paperwork was in order and the results of the CORI are pending. Ms. Greel motioned to approve. Mr. Santo seconded. Motion carries. Roll call vote 3-0.

7. Hearing with Brothers Taverna, 283 Derby St. regarding an alleged violation of their liquor license on February 14, 2021, specifically exceeding the number of patrons allowed per their license in the business and allowing an illegality on the premises.

Ms. Rennard said that Lt. Doyle will have call two witnesses, Melissa Pagliaro and Officer Moran. Both were sworn in by Mr. Barrett. Lt. Doyle asked Ms. Pagliaro about her role in the Licensing Dept and how notices went out to licensees from the ABCC to them with updates during COVID. She said one of her roles is to manage liquor licenses, renewals, complaints and any other matters regarding them. Ms. Greel asked how the notices from ABCC were sent out. Ms. Pagliaro said they are sent to her and also emailed to all of the licensees directly from the State and then she emails them as well as a mass email. Attorney Chad Colorusso who represents Brothers Taverna said he wanted to be clear on the charges. Ms. Rennard said the violation is due to the advisory that was out at the time and the alleged over capacity of the establishment and an illegality on the premise because of a fight starting inside which ended in a shooting outside. Lt. Doyle asked Officer Moran his role. Officer Moran stated he is a patrolman at the Salem Police Department for the last 4 years. Lt. Doyle asked about his shift on February 14, 2021, and if he had been by Derby St. during that shift. Officer Moran said that he was on the 4pm-12am shift and was on the 22 beat which included Derby St. and yes at some point had driven by a couple of times but it was dark inside and hard to see inside other than flashing lights because overhead lights appeared to be off. Lt. Doyle asked if there were people inside and outside. Officer Moran said no one was outside waiting to get in and not sure how many people were inside because it was too dark. Lt. Doyle asked if he was dispatched to the establishment at some point. Officer Moran said he was at about 10pm originally for a fight but that turned into a victim being shot after an altercation and a lot of chaos inside and outside involving a lot of people. He said there were 30 to 40 people pushing and shoving and some trying to get in the establishment and some trying to get out as well as a large crowd gathering around the victim. He said one customer had to be physically removed out of the doorway. Lt. Doyle asked at that point how many people were in the establishment. Officer Moran said about 40 and about another 60 or more outside. He said it was a very chaotic scene. Lt. Doyle asked again that up until that point there were no lines out front previously for people waiting to get in. Officer Moran said there was not. He said that he finally got inside and spoke to Manny Cruz, which identified himself as the owner. He said Mr. Cruz told him that he recognized one of the people in the fight because the man was denied access earlier. Lt. Doyle asked if Mr. Cruz mentioned calling PD. Officer Moran said he did not. He said that a couple other employees said a fight started on the dance floor with the man that was denied entry. He said Mr. Cruz told him that he must have snuck into the restaurant. Lt. Doyle asked if Officer Moran observed any food around the tables. Officer Moran said he didn't see food but there were beer bottles and tables tipped over, but he does not recall any plates. Lt. Doyle asked if he recalled how many tables. Officer Moran said what he does recall is about five or six tables tipped over. Lt. Doyle asked if restaurants normally have flashing lights inside. Officer Moran said not normally. Ms. Rennard asked if the Board had any questions. Mr. Barrett asked if when the Officer's went by at 8pm if they could see how many patrons were inside. Officer Moran said he could not just the flashing light and movement. Mr. Barrett asked about any line outside at that time. Officer Moran said there hadn't been any that they observed on patrol that night. Mr. Barrett asked about the number of tables. Officer Moran said there were some low tops kind of strewn about and some high tops tipped over. Mr. Barrett asked where the victim was at this point. Officer Moran said that he was about halfway down the side of the building in the alley. Mr. Barrett asked if there were any events that night that they were aware of at Notch? Officer Moran said not that he knew

of. Mr. Barrett asked about witnesses. Officer Moran said we were attempting to talk to people but the scene was very chaotic. He said what they did get was that the fight started inside and it spilled outside and that's where the victim was shot. Ms. Greel asked if anyone was aware that the shooter had a gun. Officer Moran said that Mr. Cruz told him that when the man was refused into the business he held his coat in a threatening manner but he did not actually see a gun. Ms. Greel said based on the State guidelines the capacity for Brothers at that time should have been 47. She asked Officer Moran about how many he thought were there. HE said there were many but they were only inside for a minute before being made aware of the victim that they ran out to attend to. Ms. Greel asked if there is a video. Lt. Doyle said there was but there is a criminal case pending and asked if Mr. Cruz is the actual owner of the business. Mr. Colorusso said he understood the sensitive nature regarding the video and asked Officer Moran if he asked to see the video. He said he did and that he believes it was later given to detectives. He said he did not end up seeing it that night because of the chaos. Mr. Colorusso asked if the owner cooperated. Officer Moran said he did try and retrieve the video but again there was a lot going on. Mr. Colorusso said that he would like to obtain the video and faces can be blurred out. He also asked Mr. Cruz what his role there is and if he could explain to the Board what happened that night. Mr. Cruz said he is the crowd manager and that it is just a courtesy being close to the family that he presented himself as the owner. Manny said he had been there all day. He said he left for a little to go home and then came back. He said when he came back there was a man that was trying to enter the establishment and was refused because being at capacity and him not wanting to wear a mask. He said that was about 8:30 pm. He said about an hour later he was checking in with staff and patrons for expired table times because the restaurant was on a wait and he noticed that there were about 12 men starting to form a crowd around a table. He said he and the staff asked the men to back up and not have any issues because it seemed like an altercation starting and then when everything broke out. He said a bucket of melted ice fell from one of the tables which made everyone start slipping and falling as they were arguing, He said he was pushed and fell and couldn't get up and his phone went flying across the floor. He said the situation was out of control. He said it was about 11pm when everything was done and the restaurant was cleared. Mr. Colorusso asked if he ever called the police. Mr. Cruz said he thought he did but he wasn't sure the call went through with everything happening. He said it was before everything broke out that the man in the blue coat came back to the entrance and asked Mr. Cruz if "he was good" and held his jacket and he said he out his hands up and just asked him to leave without a problem. Mr. Cruz said he did feel threatened by him but did not actually see a gun. Mr. Colorusso asked Mr. Cruz if there was a video and if he cooperated. Mr. Cruz said there was about an hour and a half video and said that he did indeed cooperate. He said he tried to get the video that night, but his phone was dying and he was shaken

up and there was so much happening. He said he figured in his frantic state he was no help to anyone. Mr. Colorusso asked if he had anything else to add. Mr. Cruz said that there is video to prove that what happened that night is a misconception. He said that the flashing lights were people taking pictures and using apps such as snapchat. He said the victim is a regular patron and the entire staff was concerned for him. He said the numbers presented by the police do not align with what my experience was that night. Lt. Doyle said he would like to cross examine Mr. Cruz. Mr. Barret said he had a couple of questions first. He asked Mr. Cruz what time and the length of the video he had is. Mr. Cruz said it is from 8:20 to 10:05pm. Mr. Barrett said there have been several questions raised tonight and asked if it was a possibility to get the video. Ms. Rennard said she could contact the DA's office. Mr. Barrett asked what time Mr. Cruz was present. Mr. Cruz said that he left about 5:30/6ish and was back about 7/7:30ish. Mr. Barrett said that he would like to see what Ms. Rennard can do about getting the video before any further testimony. He asked if the video come from the front door. Mr. Cruz said to an extent. He said he feels like this is somewhat racially motivated. Ms. Greel said that she wants it on record that no one mentioned anything about race during this whole hearing or anything about the clientele at the restaurant. Mr. Cruz said that it feels that way after seeing some comments from members of the community. Ms. Greel said not from the Board. Mr. Cruz said he is not running a club and the video will show that.

Lt. Doyle asked if he knew about how many people were in the business when he returned. Mr. Cruz said maybe about 48 because some people were crossing as some were coming in and some were leaving and about 8 staff. Lt. Doyle asked if it ever exceeded 48. Mr. Cruz said it could have a times. He said he and his staff did their best to monitor numbers and at the moment the fight broke out they were trying to figure out why people weren't at their tables. Lt. Doyle asked Mr. Cruz how the man in the blue jacket got in the second time. Mr. Cruz said he must have snuck in. Lt. Doyle asked about the bucket of ice and the crowd at the table. Mr. Cruz said the buckets are used to serves beers or bottles of champagne or liquor. He said they were trying to figure out if the crowd of 10-12 patrons were at the table together or gathering. Lt. Doyle asked if he had his crowd managers certificate and how many others do as well. Mr. Cruz said he does, and he believes three others do. Lt. Doyle asked if he was keeping a crowd manage checklist for that night. Mr. Cruz said they were not during COVID. Lt. Doyle asked what was happening at the restaurant that night. Mr. Cruz said that it was a 21 plus night. Lt. Doyle asked if there were patrons on the dance floor that night. Mr. Cruz said not that night. Mr. Colorusso said he felt the Lt. was antagonizing Mr. Cruz at this point and said he think anything further should be halted until the video can be obtained. Lt. Doyle said there is absolutely no antagonizing and that he is just asking questions to gain information. Lt. Doyle said he think the video may not be necessary as the reports from the police are on file. He said he felt as though if the establishment adhered to the polices set at this time this could have possibly been prevented. Mr. Colorusso said saying that is not necessary and should wait until a video can be obtained because surely that will show everyone exactly what was happening that night. Mr. Barrett said there will be nothing more at this point and will continue the Hearing until the next meeting date. Ms. Greel motioned to continue. Mr. Santo seconded. Motion carries. Roll call vote 3-0.

8. Hearing with La Delicia, 75 Congress St. regarding an alleged violation of their liquor license on May 21, 2021, specifically serving after hours. Licensee requesting continuance.

Mr. Dominguez sent an email to Ms. Pagliaro on behalf of the owner today he had an emergency and was out of the country. He said he would like to request that the Hearing be held over until the next meeting. Ms. Greel motioned to approve continuing until the meeting on August 16, 2021, at 6:30pm. Mr. Santo seconded. Motion carries. Roll call vote 3-0

9. New Business/Old Business:
Ms. Rennard said there has been some complaints regarding issues at the VFW. She said her and Lt. Doyle would speak.

10. Adjournment:
Ms. Greel motioned to adjourn at 8:33pm. Mr. Santo seconded. Motion carries. Roll call vote 3-0.