

Minutes for the Lowell License Commission meeting for Thursday, January 31, 2019 at 6:00 p.m., held in the City Council Chamber, 2nd floor, City Hall, 375 Merrimack St., Lowell, MA 01852.

Present: John Descoteaux, Commissioner, Chairman, Commissioners Clifford Krieger, Terry McCarthy, Martha Howe, and Joseph Donahue; and Captain James Hodgdon of the Lowell Police Department.

The Commission, on the motion by Commissioner Krieger, second by Commissioner Donahue, voted to approve the meeting minutes for January 10, 2019.

The Commission reviewed the applications for special one-day license to sell/dispense malt beverages and wines only, or either one:

Scott Pelletier of G & AA LLC, d/b/a Fuse Bistro, for Winterfest 2019 at Arcand Drive in front of JFK Courtyard, Friday, February 22, 2019, 5:00 p.m. to 11:00 p.m., and Saturday, February 23, 2019, 11:00 a.m. to 11:00 p.m. Scott Pelletier was present.

Robin Dupell of ATP Restaurant Inc., d/b/a Cobblestones, for Winterfest 2019 at Arcand Drive in front of JFK Courtyard, Friday, February 22, 2019, 5:00 p.m. to 11:00 p.m., and Saturday, February 23, 2019, 12:00 p.m. to 11:00 p.m. Robin Dupell was present.

Chairman Descoteaux reviewed the 2019 Winterfest venue map from the Office of Cultural Affairs & Special Events. Captain Hodgdon stated the Lowell Police department has no issue with the event footprint. Chairman Descoteaux addressed Mr. Pelletier and Ms. Dupell about their planned service. Each licensee is to be located in a separate tent. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Donahue, voted to approve licenses for Scott Pelletier of G & AA LLC, and Robin Dupell of ATP Restaurant Inc.

The Commission reviewed the application for special one-day license to sell/dispense all alcoholic beverages by Athi Myintu for Fundraiser for Massachusetts General Hospital, Saturday, May 18, 2019, 8:00 p.m. to 11:00 p.m., at The Onyx Room, 122 Western Ave. Athi Myintu was present. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Krieger, voted to approve the license for Athi Myintu for the event on May 18, 2019.

The Commission reviewed the application for special one-day license to dispense wines only by Steve Syverson, President, Arts League of Lowell, for Artists' reception – Life is Poetry, Saturday, February 16, 2019, 4:00 p.m. to 6:00 p.m. at 307 Market St. Steve Syverson was present. The Commission, on the motion by Commissioner Howe, second by Commissioner Donahue, voted to approve license for Steve Syverson for the event of February 16, 2019.

The Commission reviewed the application for special events permit for the amplification of sound by Jhonnatha Cheam of the Clemente Park Committee, for the 8th Annual Khmer New Year Celebration, Saturday, April 20, 2019 (rain date: Sunday, April 21, 2019), 11:00 a.m. to 5:00 p.m., at the Palin Volleyball Complex, Roberto J. Clemente Park, 803 Middlesex St. for live band, tradition Cambodian orchestra, amplified sound with PA speakers for announcement. Jhonnatha Cheam was present. Chairman Descoteaux asked Captain Hodgdon if Lowell Police may anticipate a problem. Captain Hodgdon stated there would not be a problem. The Commission, on the motion by Commissioner Donahue, second by Commissioner Krieger, voted to approve the special events permit for the Clemente Park Committee event, Jhonnatha Cheam, representative.

The Commission opened the hearing on the allegations that Coelho Fuel, Inc., Francisco Coelho, President, used car dealer licensee at 493 Princeton Blvd. in 2018 is in violation of Zoning Board of Appeals conditions and License Commission regulations. The following individuals were present: Francisco Coelho, Attorney Francisco J. Rosa of Lowell, and Celso Lopez. Chairman Descoteaux addressed Attorney Rosa. The matter before the Commission was originally intended as a public hearing, but discovery of the sale of property by Mr. Coelho on December 31, 2018 to Celso Lopez, and the expiration of the used car Dealer's license on January 1, 2019 without a renewal application filed for calendar year 2019 [expiration January 1, 2020] does not allow the Commission to open the public hearing as stated in the notice of hearing. The Commission agreed that the lot at 493 Princeton Blvd. has too many vehicles in storage giving the appearance of a junk yard which is not in compliance with the City of Lowell Zoning Ordinance. Commissioner Donahue recommended the matter be referred to the Office of Development Services. Attorney Rosa, speaking for Mr. Lopez, stated that Mr. Lopez agreed

not to sell vehicles without obtaining a license for second hand motor vehicles. Chairman Descoteaux recognized Edward Bud Caufield, resident of 585 Princeton Blvd. Mr. Caufield thanked the Chairman and the Commissioners, and reiterated his concern for the neighbors living in the area who have had to tolerate Mr. Coelho's disregard for the conditions set by the Zoning Board of Appeals in 2009. At the conclusion of discussion, the Commission, on the motion by Chairman Descoteaux, second by Commissioner McCarthy, voted to place the matter on file.

The Commission voted to continue the hearing on the allegations of misconduct as charged by Raymond Kelly Richardson, Superintendent of Police, dated January 3, 2019, against Bhumi Liquors, Inc., d/b/a Pacific Liquors, 421 Central Street, Ila Bhagat, Manager of Record, an all alcoholic beverages package goods store licensee, to February 14, 2019. Bhumi Liquors, Inc. retained legal counsel, Attorney Peter Nicosia, on or about January 30th, who had requested a continuance. The motion was by Commissioner McCarthy, second by Commissioner Donahue.

The Commission opened the hearing on the application by John Carlos Inc., d/b/a Friends Restaurant, all alcoholic beverages restaurant licensee for premises at 350 Market Street, for change of manager of record to Martha M. Resendes of Lowell. Martha Resendes and Attorney John Hartigan, legal counsel for the licensee, were present. Chairman Descoteaux, speaking for the Commission, conveyed condolences to Mrs. Resendes for the recent passing of her late husband John. Attorney Hartigan addressed the Commission about the application for change of manager. Mrs. Resendes is T.I.P.S. certified. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to approve Martha Resendes as manager of record for John Carlos, Inc.

The Commission opened the public hearing on the application by Gold Bar, LLC, Vinh Q. Le, LLC Manager, for transfer of all alcoholic beverages restaurant license from DCGR, Inc., d/b/a D & G All Star Lounge, David Cruz, Manager, for premises at 177 Merrimack Street. The following individuals were present: Vinh Q. Le and Siamphone Kameron Xaiyavong, members of Gold Bar, LLC, Attorney Michael Zaim, legal counsel for Gold Bar, LLC, and David Cruz of DCGR, Inc. Attorney Zaim addressed the Commission. Mr. Vinh Le stated he had plans to maintain the restaurant much like it is, but days of

operation will be increased. Mr. Le has prior experience, and is T.I.P.S. certified. Chairman Descoteaux expressed appreciation to David Cruz for the manner in which he maintained the premises. Chairman Descoteaux opened the hearing for public comment; there was neither a proponent nor a remonstrant to address the Commission. The public hearing was closed. The Commission, on the motion by Commissioner Krieger, second by Commissioner Howe, voted to approve the transfer of all alcoholic beverages restaurant license from DCGR, Inc. to Gold Bar, LLC for premises at 177 Merrimack Street. It was voted to approve Vinh Q. Le as manager of record for Gold Bar, LLC. The following licenses were approved for Gold Bar, LLC for calendar year 2019: common victualler, and entertainment in a licensed restaurant for live music, disc jockey, and juke box.

The Commission opened the public hearing on the application by Roshani Enterprises, Inc., Vinodchandra J. Zaveri, President, for transfer of the malt beverages and wines package store license from Chelmsford Street Quick Mart, Inc., Simon E. Elzenni, Manager, for premises at 299 Chelmsford Street. The following individuals were present: Vinodchandra Zaveri, Hiten B. Patel, Attorney Michael Zaim, legal counsel for Roshani Enterprises, Inc. Attorney Zaim addressed the Commission. Mr. Zaveri stated he has interest in another convenience store, which is licensed to sell at retail beer and wine, in Massachusetts. Commissioner Howe asked Attorney Zaim about the proposed new manager's training in selling alcohol beverages. Attorney Zaim stated that Mr. Patel will plan to pursue certified training. Chairman Descoteaux opened the hearing for public comment; there was neither a proponent nor a remonstrant to address the Commission. The public hearing was closed. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Krieger, voted to approve the transfer of the malt beverages & wines package store license from Chelmsford Street Quick Mart, Inc. to Roshani Enterprises, Inc. for premises at 299 Chelmsford Street. It was voted to approve Hiten B. Patel as manager of record for Roshani Enterprises, Inc.

The Executive Secretary announced that the application by Stage Bar, LLC for an all alcoholic beverages restaurant license for premises at 179 Central Street, had been withdrawn by Attorney Michael Zaim, as the legal counsel for Stage Bar, LLC.

The Commission reviewed the application by XPRESS Rent A Car Inc., Donald E. Coffin, President, for a Second Hand Motor Vehicles license, Class II, for premises at 1625 Middlesex Street, open lot approx. 7,700 sq. ft. for 35 vehicles; office area approx. 400 sq. ft. In 2018, DCR Enterprises, Inc. had the Class II license. There is also a Class II licensee in 2019, license # 619-B, Metro West Automotive Resources, Inc., Daniel W. Flynn, President, d/b/a AUTOCREDIT SUPERSTORE, 1625 Middlesex Street, open lot of approx. 40,000 sq. ft. with office building, 836 sq. ft. & auto. rehab. center, 493 sq. ft. Donald Coffin was present. Mr. Coffin stated he had the Class II license for the same premises in the name of Action Rental, Inc. in 2014. The 2018 licensee, DCR Enterprises, Inc. notified him that there was no further interest in keeping the license in 2019. Mr. Coffin conducts vehicle rentals, and the lot of 7,700 sq. ft. will be used to store rentals vehicles, whereas the Class II license will be used to sell vehicles at the car auction. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Donahue, voted to approve a Second Hand Motor Vehicles, used car Dealer license, Class II, # 764-B, to XPRESS Rent A Car Inc., Donald E. Coffin, President, for said premises at 1625 Middlesex St. for license year to expire January 1, 2020.

The Commission, on the motion by Commissioner Donahue, second by Commissioner Howe, voted ratify the publication of the legal notice for February 1, 2019 in the Lowell SUN newspaper for application filed by 255 Club, Inc., Sean Gannem, President, for the transfer of the all alcoholic beverages club license from The Gaelic-American Club, Inc., Catherine Brady, President, for premises at 255-265 Chelmsford Street. A public hearing will held on February 14, 2019 at 6:00 p.m. in the City Council Chamber.

The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to adjourn the meeting at 6:50 p.m.

Respectfully submitted by Ryan Wynn, Executive Secretary, present at meeting.

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