

Minutes for the Lowell License Commission meeting for Thursday, January 25, 2018 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 Jack Webb of the Lowell Police Department, Hannah Pappenheim, Assistant City Solicitor.

The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to approve minutes for meeting January 11, 2018.

Chairman Descoteaux opened a discussion with the Commission on the pub crawl ordinance. Commissioner Donahue asked Asst. Solicitor Pappenheim about a November 9th, 2017 event sponsored by the non-profit organization Made in Lowell. Asst. Solicitor Pappenheim stated the Chapter 138 establishments are permanent businesses, e.g. restaurant/pub, in which the ordinance applies. Commissioner Donahue asked Asst. Solicitor Pappenheim if the ordinance allows the Commission to limit the hours of the event, and the number of participants who may purchase tickets for the event. Asst. Solicitor Pappenheim stated yes to a limit on hours, and number of participants. Chairman Descoteaux questioned the purpose for the ordinance, whether it is intended to have participants move from one establishment to another participating establishment after two hours noting that a participating licensee has a manager of record who is responsible that the premises not exceed the maximum occupancy; will the Lowell police enforce a timely movement of participants? Asst. Solicitor Pappenheim stated the organizer will coordinate with participating establishments the movement of participants which is another layer of protection. Captain Webb stated the pub crawl ordinance from the Lowell Police Department point of view offers in advance what is to be expected, and not be punitive. Captain Webb stated

the Whats Poppin organizers last October [2017] were very cooperative with the police. Commissioner Krieger asked a hypothetical question about 225 co-workers who unexpectedly appear downtown to celebrate a pay bonus at licensed establishments. Asst. Solicitor Pappenheim noted the pub crawl ordinance would not be applicable to the unexpected celebration where there had been no advertisement. Commissioner Howe made the motion to amend the ordinance, section C, paragraph 3, inserting the word “discretion” for the License Commission to consider an establishment’s participation. Commissioner Donahue seconded the motion. Chairman Descoteaux called for a roll-call vote; voting: Chairman Descoteaux, yes; Commissioner Krieger, yes; Commissioner McCarthy, yes, Commissioner Howe, yes; Commissioner Donahue, yes – five (5) yeas.

Robert Johnson of What’s Poppin Entertainment addressed the Commission. He was accompanied by Mike Tecci and Nick Morano, who are in partnership with Mr. Johnson. Robert Johnson filed a revised 2018 Lowell Cinco De Mayo application. The Commission discussed with Mr. Johnson, that as applicant, ‘What’s Poppin’ is the organizer. It was noted by Commissioner Howe that the Commission has requested an amendment to the ordinance. Chairman Descoteaux stated that at present two (2) out of the five (5) establishments may not participate. The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to grant a Pub Crawl license to organizer, What’s Poppin Entertainment – Mike Tecci, Nick Morano, Robert Johnson, for the pub crawl event on Saturday, May 5, 2018 from 2:00 p.m. to 8:00 p.m. Three (3) establishments are participants: Smokehouse, 98 Middle St., Blue Shamrock, 105 Market St., Dudley’s, 19 Merrimack St. Commissioner Donahue asked Captain Webb about the presence of detail police officers. Captain Web stated the organizer is expected to request four (4) officers, and one (1) supervisor; in addition, each establishment is to

request a detail officer for the event. Mr. Johnson stated at last year's event he and his partners implemented a staggered system for deploying tee shirt participants at each venue, and it worked well. Chairman Descoteaux stated the Lowell police department may use discretion as to the number of participants entering each establishment. Commissioner Howe made the motion to amend the ordinance, section C, paragraph 7, inserting the word "amend," after the word "suspend," and to insert the words "and/or establishment:" after the word "Organizer." Commissioner Krieger seconded the motion. Chairman Descoteaux called for a roll-call vote; voting: Chairman Descoteaux, yes; Commissioner Krieger, yes; Commissioner McCarthy, yes, Commissioner Howe, yes; Commissioner Donahue, yes – five (5) yeas.

The Commission reviewed the application by Pho VStar Restaurant & Lounge, LLC, Thai Duc Ninh, Manager, all alcoholic beverages restaurant licensee at 602-608 Merrimack Street, for change of business name to *Restaurante Casa Coqui*, Atty. Patrick Wood of Chelmsford, legal counsel, representative, was present. The Commission, on the motion by Commissioner Donahue, second by Commissioner Howe, voted to approve the change of business name for to *Restaurante Casa Coqui*.

The Commission reviewed the application by M A & W, Inc., d/b/a The Keep, Robert T. Healy, President, for an all alcoholic beverages restaurant license for premises at 110 Gorham Street. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Donahue, voted to schedule the public hearing for Thursday, February 15, 2018 at 6:00 p.m. to be held in the City Council Chamber. The Executive Secretary stated that the applicant is to notify the abutters and a church, school, synagogue, and/or hospital within 500 feet of the premises by sending the published legal notice via certified mail, return receipt request. Commissioner Krieger asked about the Crescent House at 15 Veterans Way as to its

classification as a hospital since it has an out-patient clinic for veterans. The Executive Secretary noted that the City Engineer's office did not identify the building as a hospital. The address (15 Veterans Way) is recorded on the City Assessors list of abutters to 110 Gorham St. After a discussion, the Commission voted to not change the public hearing date for the application by M A & W, Inc., d/b/a The Keep.

The Commission reviewed the applications for special one-day license to dispense wines only by Jim Dymont, Executive Director, The Brush Art Gallery & Studios, 256 Market Street, Artist Reception "A Picture Is Worth 1.5 Words" Exhibit, Sunday, January 28, 2018, 2:00 p.m. to 4:00 p.m.; Artist Reception "Asian Pacific American Heritage" Exhibit, Saturday, May 5, 2018, 2:00 p.m. to 4:00 p.m.; Artist Reception "Annual Studio Artist" Exhibit, Thursday, June 21, 2018, 5:00 p.m. to 7:00 p.m.; and Artist Talk "Annual Studio Artist" Exhibit, Sunday, July 22, 2018, 1:00 p.m. to 3:00 p.m. Jim Dymont was present. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Krieger, voted to approve licenses for Jim Dymont of The Brush Art Gallery & Studios for the events of January 28, May 5, June 21, and July 22, 2018.

The Commission reviewed the application by Tavern In The Square Lowell LLC, d/b/a Tavern in the Square Lowell, Stephen DeSousa, Manager, all alcoholic beverages restaurant licensee at 900 Chelmsford Street, for a license "entertainment in a licensed restaurant for 2018" for 1 or 2 person acoustic acts once a week. Matt White, Operations Leader for Tavern in the Square, was present. Chairman Descoteaux asked about the site for entertainment. Mr. White stated at the back of the restaurant and patio during seasonable weather. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to grant the entertainment license to Tavern In The Square Lowell LLC for calendar year 2018.

The Commission reviewed the application by ICAR STAR AUTO SALES, INC., Yen Nguyen, President, for a license Second Hand Motor Vehicles, Class II, Used Car Dealer for premises at 771 Dutton Street, a light industrial zoning district with an existing auto body “Ben Auto Body,” which has been in existence for 6 years. Applicant proposes to add a used car lot with 27 spots and will provide the required lighting. Yen Nguyen and Atty. Stephen Geary of 32 Church St., Lowell, as legal counsel for the applicant, were present. Attorney Geary stated Yen has had an auto body business next to the open lot for six (6) years. He has a lease with Kazanjian Enterprises, Inc. Commissioner Donahue stated he had recently inspected the site, and noted it is a good place. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Krieger, voted to grant a Second hand Motor Vehicle license, Class II, Dealer, to ICAR STAR AUTO SALES, INC., Yen Nguyen, President, for premises at 771 Dutton St., for calendar year 2018 [license expiration January 1, 2019].

The Commission reviewed the applications for public amusement licenses by Bump and Feed LLC, d/b/a Chaotic Wrestling, Kevin Bowe and Brian Phillips, Managers, for professional wrestling shows February 2, 2018 and April 6, 2018, each date, hours 8 p.m. to 11 p.m., at the location Game Time Sports, 1703 Middlesex Street. Kevin Bowe and Brian Phillips were present. Mr. Bowe stated that he and Mr. Phillips recently bought Chaotic Wrestling from Walter (Jamie) Jamitkowski. The Commission, on the motion by Commissioner Donahue, second by Commissioner Howe, voted to approve public amusement licenses for Bump and Feed LLC for the events dates of February 2, and April 6, 2018.

The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to adjourn the meeting at 6:55 p.m.

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