

Minutes for the Lowell License Commission meeting for Thursday, February 13, 2020 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 McCarthy, voted to approve meeting minutes for January 30, 2020.

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, City Hall Plaza @ JFK Courtyard, Winterfest 2020, Friday, February 21, 2020, 4:00 p.m. to 12:00 a.m., and Saturday, February 22, 2020, 11:00 a.m. to 12:00 a.m. Scott Pelletier was present. The Commission, on the motion by Commissioner Donahue, second by Commissioner Krieger, voted to approve licenses for Scott Pelletier for February 21 and 22, 2020.

Heather L. Austin of Coco Luna LLC, at Mill No. 5, 250 Jackson St., 4th and 5th floors, for the following events:

Womxn Biz Marketplace, Saturday, March 7, 2020, 12:00 p.m. to 4:00 p.m.;

Damn Fine Pi(e) Day, Saturday, March 14, 2020, 12:00 p.m. to 4:00 p.m.;

Botanica, Saturday, March 21, 2020, 12:00 p.m. to 4:00 p.m.;

That Hole Thing, Saturday, March 28, 2020, 12:00 p.m. to 4:00 p.m.

Heather Austin was present. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Krieger, voted to approve licenses for Heather Austin – March 7, 14, 21, and 28, 2020.

The Commission reviewed the application by Dan Clapp, d/b/a 1634 Meadery, 3 Short St., Dan Clapp, Manager, Ipswich, MA, 01938, a Farmer Winery licensee ABCC # FW-LIC-000104, for a license to sell wine twice per month commencing Sunday, February 16, 2020 until Sunday, October 25, 2020; hours 11:00 a.m. to 3:00 p.m., at The Farm Market at Mill No 5, main corridor of 4th floor, 250 Jackson Street, Lowell, MA 01852. Wine sales to be held in a 10' x 10' vendor space as assigned within the farmer's market. Dan Clapp was present. Chairman Descoteaux asked Mr. Clapp about his prior experience. Mr. Clapp stated that 2020 will be his 4<sup>th</sup> season at The Farm Market. The Commission, on the motion by Commissioner Donahue, second by Commissioner McCarthy,

voted to approve a farmer winery license for Dan Clapp, d/b/a 1634 Meadery for the period commencing February 16, 2020 to October 25, 2020.

The Commission reviewed for reconsideration the application by Social Club of Pawtucketville Lowell, Massachusetts, Raymond Beaudry, Treasurer, all alcohol beverages club licensee at 123 University Avenue, for change of club officers and directors; original approval granted December 13, 2018. Raymond Beaudry was present. Chairman Descoteaux asked about the club's application after License Commission approval. Mr. Beaudry stated that due to a change of corporate officers, the A.B.C.C. investigator duly noted said change, subsequently, the Pawtucketville Social Club held an election of officers and directors this year; the manager of record approved in 2018 [Judi Wheeler] is still with the club. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to approve the application for officers and directors, as amended.

The Commission opened the public hearing on the application by Roast Beef and Pizza Lowell LLC, Eranda Mihasi, LLC Manager, for a malt beverages and wines only restaurant license for premises at 131 East Merrimack Street. It is requested that Eranda Mihasi be approved as manager of record. Roast Beef and Pizza Lowell LLC has filed application for common victualler license. The following individuals were present: Eranda Mihasi, and Attorney Maurice Mason, legal counsel for Roast Beef and Pizza Lowell LLC. Attorney Mason introduced Ms. Mihasi as one member of the ownership of the restaurant. She and her husband, sister-in-law and husband, purchased the business in 2018. The previous owner in 2018 [Rizzo's of Lowell Inc.] had the malt beverages and wines restaurant license, but there had not been a satisfactory conclusion to the business transaction. The malt/wines beverages license was not issued for 2019. Attorney Mason stated that Ms. Mihasi will be TIPS certified. Chairman Descoteaux opened the public hearing for individuals who wished to speak in opposition to the application. There was no one present to speak in opposition. The hearing was opened to individuals who wish to speak in favor of the application. There was no one present to speak in favor. Chairman Descoteaux closed the public hearing. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to approve the license for malt beverages and wines only restaurant for Roast Beef and Pizza Lowell LLC for premises at 131 East Merrimack Street, dining room, serving area, kitchen, prep. area, 4 entrances, 4 exits,

indoor area 3,278 sq. ft. for the calendar year to expire December 31, 2020. The Commission approved Eranda Mihasi as manager of record for Roast Beef and Pizza Lowell LLC. It was voted to grant a license for common victualler to said licensee for 2020.

The Commission opened the hearing for 255 Club Inc., Sean Gannem, Manager, all alcoholic beverages club licensee at 255-265 Chelmsford St. regarding unlicensed video poker machines. Sean Gannem was present. Chairman Descoteaux asked for an explanation. Mr. Gannem stated that he misunderstood when renewing licenses for 2020; presently the poker machines are not activated for play. Mr. Gannem stated the devices are owned by Lowell Amusement Company. The consensus of the Commission was to place the matter on file.

The Commission reviewed the application by 255 Club Inc., Sean Gannem, Manager, for license(s) for four (4) coin operated poker machines for premises at 255-265 Chelmsford St. for calendar year 2020. Mr. Gannem stated his desire to receive license for the coin operated poker machines. Chairman Descoteaux asked Mr. Gannem about the club's operation. Mr. Gannem stated that there is an annual \$5.00 associate member's fee. The upstairs is for public functions. Commissioner Howe reminded Mr. Gannem that the premises is to be open to inspection. Commissioner Donahue stated that due to the club as non-profit organization for members and guests allows the licensee access to poker machines but not for gambling, only for amusement. At the conclusion of discussion, the Commission, on the motion by Commissioner Krieger, second by Commissioner Howe, voted to grant license(s) to 255 Club Inc. for four (4) coin operated poker machines for calendar year 2020.

At the conclusion of regular business, Chairman Descoteaux requested a personal privilege to address the matter of a discussion by the Lowell City Council in recent weeks about the legal closing time for bars and restaurants in downtown Lowell. It has been discussed to change the legal closing time from 2:00 a.m. to 1:00 a.m. Chairman Descoteaux stated it is the Commission's authority to set hours, and the action is not subject to appeal to the Alcoholic Beverages Control Commission (A.B.C.C.). Commissioner Howe stated that licensees are encouraged to call the police department when there is an altercation on the premises or taking place outside in the immediate adjacent area.; to not do so may be cause for disciplinary action by the Commission. Commissioner Donahue recommended meeting with the City Council subcommittee on public safety. Commissioner McCarthy agreed to meet with the subcommittee. Commissioner Krieger asked the question what effect an earlier closing may have on

patrons to downtown establishments, and that miscreants who cause trouble are subject to local police and the district attorney. Chairman Descoteaux requested the Executive Secretary send a written request to the City Clerk that he notify the Commission of the public hearing anticipated to be held by the City Council's Public Safety Subcommittee in order to allow open discussion about an earlier legal closing.

The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to adjourn the meeting at 6:25 p.m.

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