

Minutes for the Lowell License Commission meeting for Thursday, February 14, 2019 at 6:00 p.m., held in the Mayor's Reception Room, 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 John R. Hucksam, Assistant City Solicitor, Captain James Hodgdon of the Lowell Police Department.

The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to approve the meeting minutes for January 31, 2019.

The Commission reviewed the following applications:

Special one-day license to sell/dispense malt beverages and wines only, or either one:

Kaitlin Stoll of Budget Buddies, Inc., UTEC, 35 Warren Street, LUNAFEST film night, Friday, March 8, 2019, 6:00 p.m. to 10:00 p.m.;

Bianca Mauro, Ecumenical Plaza (near 282 Suffolk St.), Points of Light Lantern Celebration, Saturday, May 4, 2019, 6:00 p.m. to 10:00 p.m.;

Special one-day license to sell/dispense all alcoholic beverages

George J. Kontos of Holy Trinity Hellenic Orthodox Church, Comedy Night, Sunday, March 10, 2019, 5:00 p.m. to 10:00 p.m. at the Hellenic American Academy Cultural Center, 41 Broadway

Special events permit for the amplification of sound

Bianca Mauro for the Points of Light Lantern Celebration, Saturday, May 4, 2019, 6:00 p.m. to 10:00 p.m. (sound-check 2 p.m. - 6 p.m.), Ecumenical Plaza (near 282 Suffolk); there are to be Local Bands, Dance Groups, Speakers, 2x Speakers on sticks.

The following individuals were present: Kaitlin Stoll, Bianca Mauro, and George J. Kontos.

The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to approve licenses for Kaitlin Stoll of Budget Buddies, Bianca Mauro for Points of Light Celebration, and George J. Kontos for Holy Trinity Hellenic Orthodox Church.

The Commission opened 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. The following individuals were present: Ila Bhagat, Vimalkumar Patel, and Attorney Peter J. Nicosia, legal counsel for Bhumi Liquors, Inc. Officer Paul W. Robbins of the Lowell Police Department was present. Attorney Nicosia questioned Officer Robbins about the police officer's activity responding to a call for a disturbance at Jay's Variety Store, located at 166 Gorham St., on December 19, 2018. Officer Robbins stated the call pertained to a male individual who the officer identified as a suspect that was the cause of a disturbance at Jay's Variety. The same individual was seen entering Pacific Liquors. Officer Robbins stated in answer to Attorney Nicosia's questions that he did not observe a sales transaction at Pacific Liquors between the male suspect and the store cashier nor did the officer see a sales slip. Attorney Nicosia stated to the Commission that there is no conclusive evidence that the male suspect purchased an alcohol beverage at Pacific Liquors. Commissioner Howe questioned Officer Robbins about his observations of the male suspect. Officer Robbins stated he observed the individual from a distance of fifty (50) to sixty (60) feet. Commissioner Krieger questioned Officer Robbins about the weather conditions while making his observations. Officer Robbins stated there was no precipitation that evening. Commissioner Donahue questioned Officer Robbins about the male suspect's movements the evening of December 19, 2018. Officer Robbins stated that he followed the male suspect from Jay's Variety to Pacific Liquors. When the suspect was coming out of Pacific Liquors, Officer Robbins stated a physical encounter occurred between us which caused an arrest to be made. After the arrest, the male was found in possession of a "small nip bottle" in his left pocket. Chairman Descoteaux asked if the cashier was present this evening. Attorney Nicosia stated no. Attorney Nicosia stated that there is no credible evidence, and there is no witness. After a discussion, Chairman Descoteaux made the motion that a video made available to the Lowell Police Department by the licensee, Bhumi Liquors, Inc., be presented to the Commission for review at the next meeting to be held on February 28, 2019, and that the licensee have the cashier available for said meeting. The motion was seconded by Commissioner McCarthy. The motion was approved by the Commission.

The Commission opened the public hearing on the application 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. It is requested that Sean Gannem be approved as manager of record for 255 Club, Inc. 255 Club Inc. has applied for license for automatic amusement device. A legal notice was published in Lowell Sun newspaper February 1, 2019. The following individuals were present: Sean Gannem and Attorney Catherine J. Flood, legal counsel for 255 Club, Inc. Attorney Flood presented an introduction of Sean Gannem's business plan for the club at 255 Chelmsford St. Mr. Gannem purchased the building, and plans to refurbish the building inside and outside. The bar is to remain, otherwise a setting will be offered for people to socialize. The upstairs function room will be available for cultural events. Mr. Gannem addressed the Commission. He stated he will maintain the social club with membership open, paying nominal dues, a member's card for the door, and guest book sign-in. Food will be available to members and guests. Mr. Gannem stated that he will be taking the T.I.P.S. certification course. At the end of discussion, Chairman Descoteaux opened the hearing for public comment. There was no one present to speak in opposition to the application, that portion of the hearing was closed. There was no one present to speak in favor of the application, that portion of the hearing was closed. The hearing was declared closed. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to approve the transfer of the all alcoholic beverages club license from The Gaelic-American Club, Inc. to 255 Club, Inc., Sean Gannem, President, for premises at 255-265 Chelmsford Street for the calendar year to expire December 31, 2019. The Commission voted to approve Sean Gannem as manager of record for 255 Club, Inc. The Commission approved license for automatic amusement device for coin operated pool tables. The Commission, on the motion by Commissioner Krieger, second by Commissioner Donahue, voted to adjourn the meeting at 6:25 p.m.

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

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