



This meeting was held in City Council Chambers, second floor, City Hall, 375 Merrimack St. on Wednesday, April 27, 2022, at 6:00 PM and remotely by Zoom  
Meeting ID: \_857 0938 7494 Passcode: \_595443.

Video of this meeting is available: <https://youtu.be/ubpCdHp3zfU>

### **ROLL CALL:**

**On a roll call at 18:03, members present were, namely: Chairman Descoteaux, Commissioner Howe, Commissioner Donahue, Commissioner Krieger, and Commissioner Chhan.**

### **MINUTES:**

0. Acceptance of meeting minutes for April 14, 2022.

**Commissioner Krieger made a motion to place corrected minutes on file from the Lowell License Commission Meeting of Thursday, April 14, 2022; seconded by Commissioner Howe. 5 years, APPROVED.**

1. Public hearing on the application by Hot Pot District LLC [d/b/a] Hot Pot, Vicki Nguyen, proposed License Manager, for a new "All Alcoholic Beverages restaurant" license, and new "Common Victualler" & "Entertainment" licenses for premises at 135 Middlesex Street, Unit 5.

[Item 1 was taken out of order – at the end of the meeting.]

At the hearing, no one spoke in favor or opposition to the application for a transfer of license.

**Move approval by Commissioner Krieger; seconded by Commissioner Howe. 5 years, APPROVED.**

2. Application by James O'Hearn, for Pollard Memorial Library Foundation, for a "Special One Day License to sell/dispense Wines and Malt Beverages only," for a 'Meet the Author Night.' Event to be held on Wednesday May 18th, 2022 from 6 to 8 PM in Memorial Hall at the Pollard Memorial Library, 401 Merrimack Street.

Jamie O'Hearn discussed the 16<sup>th</sup> annual fundraiser for Lowell's public library. Commissioner Krieger asked about the author. Mr. O'Hearn said that the library got New York Times bestselling author, Jamie Ford, who wrote Hotel on the Corner of Bitter and Sweet to speak and sign at the fundraiser.

**Move approval by Commissioner Donahue; seconded by Commissioner Chhan. 5 years, APPROVED.**

3. Application by Yun-Ju Choi, Director, Coalition for a Better Acre, for a "Special One Day License to sell/dispense Wines and Malt Beverages only," for the '6 Degrees of the Acre Fundraiser.' Event to be held on Thursday ~~May~~ June 30th, 2022 from 5:30 to 7:30 PM at St. Patrick's Church, 282 Suffolk Street.

Ms. Choi corrected the Commission, stating that the fundraiser is June 30. At Commissioner Descoteaux's request, she described the event and stated that she hoped 250 people would attend. Four TIPs Certified bartenders have been hired for the event.

**Move approval by Commissioner Krieger; seconded by Commissioner Donahue. 5 years, APPROVED.**

4. Application by Jacqueline Pelletier for a "Special One Day License to sell/dispense Malt Beverages & Wines" for the Project LEARN Fundraiser on Wednesday May 11, 2022 from 5:30 to 7:30 PM at Middlesex Community College Courtyard behind the building at 33 Kearney Square.

Ms. Pelletier introduced herself as co-owner of Fuse Bistro in Downtown Lowell. She explained that the restaurant was hired to manage the alcohol service at the event, and that she would be managing along with two additional TIPs Certified bartenders.

**Move approval by Commissioner Howe; seconded by Commissioner Krieger. 5 years, APPROVED.**

5. Alcohol Beverages Regulations for Licenses Issued by the Lowell License Commission: discussion regarding Promoter Licensing.

Secretary Pyers had nothing to say about the matter. First Assistant City Solicitor, Kerry Jenness was present to discuss proposed language to update the License Commission's "Promoter's License" regulations. Attorney Jenness explained that the proposed new language clarifies what a promoter is, and changes who is responsible for obtaining the license.

The proposed language:

Any licensee utilizing the services of a promoter, defined as an individual acting as a third party to the licensee for advertisement and to generate revenue for the licensee, shall acquire a separate promotion license from the License Commission. The licensee shall specify, in writing, the specific event(s) being promoted and the anticipated crowd size. The licensee shall not engage any promoter or a promoted event that is not specifically covered under the separate promoter license.

All licensees utilizing the services of a promoter shall appear before the License Commission. For further clarity, a "promoter" shall include:

- (a) a third party compensated via direct payment, percentage of revenue or other financial compensation for attracting patrons to the licensed establishment;
- (b) a third party contracted with by the licensee to promote a special event that is expected to attract a large number of patrons (XXX or more).

Commission Chair Descoteaux and Attorney Jenness discussed various challenges to enacting and enforcing the Promoter License.

**No motions were made.**

6. Review & Discussion of the continuation of temporary outdoor seating and the takeaway/delivery of alcohol by On-Premises licensees, and updates from City Council, if necessary.

The Commission agreed that the matter was closed and did not require additional discussion at this time. Chairman Descoteaux directed the Commission back to Agenda Item 1: Hot Pot District LLC.

**No motions were made.**

**ADJOURNMENT:**

**Commissioner Donahue made a motion to adjourn at 18:27; seconded by Commissioner Chhan. 5 yeas, APPROVED.**

*Submitted by: John Pyers  
Executive Secretary*

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