

## Lowell License Commission | Regular Meeting Minutes for May 20, 2021

*Date:* May 20, 2021

*Time:* 6:00 PM

*Location:* This meeting is being held remotely in accordance with the Governor of Massachusetts' March 12, 2020 order suspending certain provisions of the Open Meeting Law G.L. 30A, Section 20.

### **ROLL CALL:**

**On a roll call at 6:07 PM, members present were, namely: Chairman Descoteaux, Commissioner Donahue, Commissioner Howe, and Commissioner Krieger. Commissioner McCarthy was absent.**

### **MINUTES:**

Acceptance of the Meeting Minutes for April 22, 2021.

**Commissioner Krieger made a motion to accept and place on file the minutes from the Lowell License Commission Meeting of Thursday, April 22, 2021; seconded by Commissioner Howe. 4 years, 1 absent (Commissioner McCarthy) APPROVED.**

1. Public hearing on the application by Korean BBQ Chicken Lowell, Inc., [d/b/a] BBQ Chicken Lowell, Joo Hyong Lee, Manager, for an all alcoholic beverages restaurant license for premises at 143 Merrimack Street.

Attorney Jay Hartigan was present for the applicants. Attorney Hartigan described the applicants' experience in the industry, including their ownership of a business in Andover, and the fact that she's tip certified.

No one spoke in favor or in opposition at the public hearing.

**Commissioner Donahue made a motion to approve the application by Korean BBQ Chicken Lowell, Inc., [d/b/a] BBQ Chicken Lowell, Joo Hyong Lee, Manager, for an all alcoholic beverages restaurant license for premises at 143 Merrimack Street; seconded by Commissioner Howe. 4 years, 1 absent (Commissioner McCarthy) APPROVED.**

2. Application by Shreya and Saloni Corporation [d/b/a] Country Farms, Jovanny Diaz, Manager, for transfer of a "Wines and Malt Beverages" package store license for premises at 494 Westford Street. It is requested that legal notice be published in local newspaper, and public hearing to be held on June 10, 2021 at 6:00 p.m. via Zoom video conference.

**Commissioner Donahue made a motion to approve the request for a hearing by Shreya and Saloni Corporation [d/b/a] Country Farms, Jovanny Diaz, Manager, for transfer of a "Wines and Malt Beverages" package store license for premises at 494 Westford Street, as well as a legal notice be published in the local newspaper, and a public hearing be held on June 10, 2021 at**

**6:00 p.m. via Zoom video conference; seconded by Commissioner Howe. 4 yeas, 1 absent (Commissioner McCarthy) APPROVED.**

3. Application by Servion Solutions, LLC, Rajavardhan Pedda, Manager, for transfer of a "Wines and Malt Beverages" package store license for premises at 785 Gorham Street. It is requested that legal notice be published in local newspaper, and public hearing to be held on June 10, 2021 at 6:00 p.m. via Zoom video conference.

**Commissioner Krieger made a motion to approve the request for a hearing by Servion Solutions, LLC, Rajavardhan Pedda, Manager, for transfer of a "Wines and Malt Beverages" package store license for premises at 785 Gorham Street, as well as a legal notice be published in the local newspaper, and a public hearing be held on June 10, 2021 at 6:00 p.m. via Zoom video conference; seconded by Commissioner Howe. 4 yeas, 1 absent (Commissioner McCarthy) APPROVED.**

4. Application by Ample Beer and Wine Store, LLC, Em Quach, Manager, for a "Wines and Malt Beverages" package store license for premises at 260 High Street. It is requested that legal notice be published in local newspaper, and public hearing to be held on June 10, 2021 at 6:00 p.m. via Zoom video conference.

Attorney John Cox was present as well as Em Quach, Manager.

**Commissioner Howe made a motion to approve the request for a hearing by Ample Beer and Wine Store, LLC, Em Quach, Manager, for a "Wines and Malt Beverages" package store license for premises at 260 High Street, as well as a legal notice be published in the local newspaper, and the public hearing be held on June 10, 2021 at 6:00 p.m. via Zoom video conference; seconded by Commissioner Donahue. 4 yeas, 1 absent (Commissioner McCarthy) APPROVED.**

5. Application by Lowell Foods Inc. [d/b/a] 7-Eleven 11517F, Rashi Soni, President, for a "Common Victualler" License for premises at 63 Mammoth Road.

Ms. Rashi Soni was present. Ms. Soni spoke about her familiarity and experience working in 7-Eleven convenience stores. Ms. Soni has three (3) other stores and they're located in Malden, Everett, and West Roxbury. She also stated that she has ten (10) years of food service experience and is certified in food service.

**Commissioner Krieger made a motion to approve the application by Lowell Foods Inc. [d/b/a] 7-Eleven 11517F, Rashi Soni, President, for a "Common Victualler" License for premises at 63 Mammoth Road; seconded by Commissioner Howe. 4 yeas, 1 absent (Commissioner McCarthy) APPROVED.**

6. Application by Cobblestones, General Manager, Robin Dupell, for a "Special Events Permit for Amplified Outdoor Public Entertainment." The "Enjoy Your Life Festival" is to be held May 15, June 19, July 17, and August 21 of 2021 at the end of Dutton St., outside of Cobblestones at 91 Dutton Street.

Ms. Dupell was unable to be present due to her schedule. Mr. Pyers noted that Cobblestones has held several events in the past like this one and has a good "track record."

**Commissioner Donahue made a motion to approve the application by Cobblestones, General Manager, Robin Dupell, for a "Special Events Permit for Amplified Outdoor Public Entertainment." The "Enjoy Your Life Festival" is to be held May 15, June 19, July 17, and August 21 of 2021 at the end of Dutton St., outside of Cobblestones at 91 Dutton Street; seconded by Commissioner Krieger. 4 years, 1 absent (Commissioner McCarthy) APPROVED.**

7. Application by Salsa in Lowell, Owner, Francois Chevalier, for a "Special Events Permit for Amplified Outdoor Public Entertainment." "Salsa on Deck" is to be held on Sunday evenings, 6 p.m. to 8 p.m. from June 6 through September 5, 2021, provided there are no other events scheduled at the location: the corner of Dutton Street and Merrimack Street on the deck over Merrimack Canal.

Mr. Francois Chevalier was present. Commissioner Descoteaux asked how many people Mr. Chevalier anticipated would be attending, and if he would be limiting the number of people in attendance. Mr. Chevalier responded that attendance would be limited between twenty-five (25) to thirty (30) people until the Covid restrictions are lifted. Commissioner Donahue asked if Mr. Chevalier had received approval from whichever park service was responsible for the location described. Mr. Chevalier stated that, although he had obtained insurance for the event, he had not yet identified the appropriate park service responsible for the land.

**Commissioner Howe made a motion to approve the application by Salsa in Lowell, Owner, Francois Chevalier, for a "Special Events Permit for Amplified Outdoor Public Entertainment." "Salsa on Deck" to be held on Sunday evenings, 6 p.m. to 8 p.m. from June 6 through September 5, 2021, provided there are no other events scheduled at the location: the corner of Dutton Street and Merrimack Street on the deck over Merrimack Canal - contingent upon approval by the appropriate park service; seconded by Commissioner Donahue. 4 years, 1 absent (Commissioner McCarthy) APPROVED.**

8. Continued discussion and/or vote regarding 2021 license fees for bars and restaurants.

Commissioner Descoteaux asked the other Commissioners how they wanted to proceed regarding license fees. He stated that the Commission had waived the fees for the first three (3) months of 2021 due to the restrictions that had been put in place due to the pandemic. He reviewed some of the options available to the Commission: primarily waiving additional fees or continuing to defer fees. Commissioner Donahue reminded the Commission that bars and restaurants paid for a full year's Alcoholic Beverage License for 2020, but could not operate their businesses and had no revenue for nine (9) months of that year. Commissioner Howe reminded the Commission of their financial responsibilities to the City of Lowell and noted that all businesses will be completely open by the end of May, given the Governor's lifting of COVID-related restrictions. Commissioner Descoteaux asked the group if everyone had received the PPP loan/grant information, and everyone had. Commissioner Howe had reviewed some of the Community Development Block Grant (CDBG) information and stated that because of the combination of several grant and loan

infusions like PPP monies, she was inclined to disfavor waiving fees after March. Commissioner Descoteaux noted that some PPP loans/grants are expected to be entirely forgiven, and that he thought that whether or not the PPP monies end up being paid back to the lenders might have an impact on his assessment of what portion of the AB license fees should be waived.

Commissioner Krieger noted that Commissioner McCarthy's absence was a good reason to postpone a vote.

**Commissioner Krieger made a motion to further the discussion, postponing a vote until the June 10, 2021 meeting, pending more detailed information about how much PPP money Lowell businesses received and whether they are required to pay these monies back; seconded by Commissioner Descoteaux. 4 yeas, 1 absent (Commissioner McCarthy) APPROVED.**

Commissioner Descoteaux also requested that Mr. Pyers research PPP loan amounts to Lowell AB businesses, and, if necessary, request participation by a representative of the Lowell DPD at the June 10, 2021 Lowell License Commission meeting to discuss this topic.

9. Continued discussion and/or vote regarding expanding information requested from license applicants to include resumes and/or other information.

Commissioner Donahue reviewed a previous motion advocating that resumes or similar work histories for license applicants, owners, and business managers become a requirement of the application process for all license applications. Commissioner Donahue pointed out that sometimes the Commission is fortunate to have a lawyer present or a particularly loquacious business owner, but that in other cases they might miss out on details pertinent to the applications presented to the Commission, and that he would prefer to be able to review this sort of information in advance of the meeting. Commissioner Howe agreed that it would help the Commission, because the current application doesn't ask for this information. Commissioner Krieger stated that he liked the idea a lot; he is only concerned that the Commission might open itself up to discrimination (lawsuits). Commissioner Descoteaux noted that he felt the benefit is far more valuable to the Commission, and that it does not need to be a formal resume, just a document that communicates some work history as it relates to the business applying for the license. Commissioner Descoteaux directed Mr. Pyers to add this (work history) requirement to the items necessary for the application process for the Lowell License Commission license applications.

**Commissioner Donahue made a motion to add the requirement that a work history for interested parties (owners and managers) be included in the application process; seconded by Commissioner Howe. 4 yeas, 1 absent (Commissioner McCarthy) APPROVED.**

#### **ADJOURNMENT:**

**Commissioner Krieger made a motion to adjourn at 6:50 PM; seconded by Commissioner Howe. 4 yeas, 1 absent (Commissioner McCarthy) APPROVED.**

**Submitted by: John Pyers  
Executive Secretary**