

Minutes for the Lowell License Commission meeting for Thursday, July 12, 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 Gary Gordon, Assistant City Solicitor, and Captain Paul Laferriere of the Lowell Police Department.

The Commission approved the meeting minutes for June 21, 2018 on the motion by Commissioner McCarthy, second by Commissioner Donahue.

The Commission opened the hearing on the application filed by LD Holdings, LLC, d/b/a Bar 74 Lounge & Grill, alcoholic beverages restaurant licensee at 76-78 Merrimack St., for change of manager of record to Scottie L. Forman of Lowell. Chairman Descoteaux recused himself from the matter of LD Holdings, LLC on the advice of legal counsel. Commissioner Krieger presided. The Executive Secretary requested the License Commission vote on whether to enter into executive session to comply with, or act under the authority of, MGL Chapter 6 Section 172.

At 6:03 p.m., Commissioner Krieger made the motion for roll-call vote on whether to enter executive session to review a record of the proposed new manager. Commissioner Howe seconded the motion. Roll-call vote: Commissioner Krieger, yes; Commissioner McCarthy, yes; Commissioner Howe, yes; Commissioner Donahue, yes. The Secretary announced the License Commission will return to regular session upon a roll-call vote.

The Commission at 6:12 p.m. on the motion by Commissioner Howe, second by Commissioner Donahue, to return to regular session by roll-call vote: Commissioner Krieger, yes; Commissioner McCarthy, yes; Commissioner Howe, yes; Commissioner Donahue, yes.

Scottie Forman, Attorney Travis Jacobs, legal counsel for LD Holdings, LLC, and Lauren DiSalvo, LLC Manager, appeared before the Commission. Mr. Forman responded to questions about his training in the bar service, stating he is T.I.P.S. certified, has primarily managed security at Bar 74. His past employment involved sales experience. Commissioner Donahue stated in regard to past employment he has had no

entertainment and hospitality experience, stating a very limited application. Commissioner Howe questioned Mr. Forman about payroll duties at Bar 74. Mr. Forman cited LD Holdings-Lauren DiSalvo as responsible for payroll of employees. Commissioner Howe asked Lauren DiSalvo as to what happened to Paul Palladino, the current manager of record. Ms. DiSalvo cited her reason for his dismissal in May. Commissioner Howe duly noted in speaking to Ms. DiSalvo the late filing of application for change of manager after notice had been sent by [Executive Secretary] May 29, 2018. The application was filed July 10th after the agenda closed at 2:00 p.m. Commissioner McCarthy asked Ms. DiSalvo if she still had residency in New York State. Ms. DiSalvo stated her driver's license is New York but has been spending more time in Lowell at Bar 74 and Revolution. Commissioner Krieger questioned Mr. Forman about set culture. Mr. Forman agreed with Commission Krieger about changing the culture at Bar 74. Attorney Jacobs addressed the Commission about a private security company hired by LD Holdings which is owned and managed by Jeff Torres, On-Point Security. Commissioner Krieger made the motion to accept Scottie Forman as manager of record. The motion was seconded by Commissioner Howe. Commissioner Krieger requested a roll-call vote. The roll-call vote: Commissioner Krieger, yes; Commissioner McCarthy, no; Commissioner Howe, yes; Commissioner Donahue, no. Commissioner Krieger stated that the application for change of manager is not approved. Commissioner Donahue made the motion to allow the licensee to re-submit the application for change of manager which will include both experience in the field of entertainment, hospitality, and plan for security in running the establishment. Commissioner McCarthy seconded the motion. A roll-call vote: Commissioner Krieger, yes, Commissioner McCarthy, yes; Commissioner Howe, yes; Commissioner Donahue, yes. The Secretary stated the application is to be filed Monday, July 23rd or Tuesday morning, July 24th in order to be reviewed by the Commission at the July 26th meeting.

Chairman Descoteaux returned to the meeting.

The Commission opened the public hearing on the application by Mill City Cheesemongers, LLC, d/b/a Mill City Cheesemongers, Elizabeth A. Falk, Manager, for the transfer of the malt beverages & wines only package store license from Bearcamp, Inc., d/b/a Tuttobene Wine & Cheese Cellars, Wendi Wilkins,

President, and change of location from premises at 58 Prescott Street, unit # 3C, to 250 Jackson Street, unit # 453. The following individuals were present: Elizabeth A. Falk, and Attorney Angelique Eliopoulos, legal counsel for Mill City Cheesemongers, LLC. The Commission reviewed the affidavit of notification to abutters and church, school, and hospital within a 500 foot radius. The affidavit was ordered to be placed on file, with white postal slips and return receipts filed by legal counsel. Attorney Eliopoulos addressed the Commission and spoke of Elizabeth Falk's background in the legal profession and presently in retail sales and that Ms. Falk offers classes on cheese selection, and hopefully soon on pairing wine with cheese. Commissioner Howe inquired about the classes. Ms. Falk stated classes are set-up for no more than eight adults at a time. Commissioner Donahue asked about the hours for the retail store at Mill No. 5. Ms. Falk stated the store is open five days a week. Chairman Descoteaux opened the hearing for public comment requesting to hear from individuals in favor of the application. There was no one present to speak in favor. Chairman Descoteaux requested to hear from individuals who wished to speak against the application. There was no one present to speak against the application. The public commentary portion of the hearing was closed. The Commission, on the motion by Commissioner Donahue, second by Commissioner Howe, voted to take the following action: To approve the transfer of the malt beverages & wines only package store license from Bearcamp, Inc., d/b/a Tuttobene Wine & Cheese Cellars, to Mill City Cheesemongers, LLC, and change of location from premises at 58 Prescott Street, unit # 3C, to 250 Jackson Street, unit # 453. The Commission did not find the change of location would be detrimental to the religious activity of churches and educational activity of a school located within 500 feet of premises at 250 Jackson St. The Commission voted to approve Elizabeth Falk as manager of record for Mill City Cheesemongers, LLC.

The Commission reviewed the application by Nicole Blum of Carr's Ciderhouse, a Farmer Winery, for a license to sell wine at a Farmer's Market at the premises of 250 Jackson St., Mill No. 5, 4th floor, Sundays commencing January 1 thru December 30, 2018, 11:00 a.m. to 3:00 p.m. Nicole Blum was present. Ms. Blum stated her seven years' experience with the farmer winery, and with tastings and retail sales offered

at Hadley's farmer's market. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Krieger, voted to approve the license for Nicole Blum of Carr's Ciderhouse.

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 "Something Boro'd Something Blue" Exhibit, Saturday, August 11, 2018, 2:00 p.m. to 4:00 p.m.; Summer VIP Reception, Thursday, August 16, 2018, 5:30 p.m. to 7:30 p.m.; Reception "40 Years: Lowell National Historical Park" Exhibit, Saturday, September 29, 2018, 2:00 p.m. to 4:00 p.m.; and, Artist Reception "Annual Members Show" Exhibit, Saturday, December 8, 2018, 2:00 p.m. to 4:00 p.m. Jim Dymont was present. The Commission, on the motion by Commissioner Howe, second by Commissioner Donahue, voted to approve licenses for Jim Dymont of The Brush Art Gallery & Studios.

The Commission, on the motion by Commissioner Donahue, second by Commissioner Howe, voted to ratify licenses issued to Tabatha Garnett, Catering Manager, Aramark, for events at the Allen House, 2 Solomont Way, Residency Leadership, Tuesday, July 10, 2018, 3:00 p.m. to 7:00 p.m.; and Victoria's Going Away Party, Wednesday, July 11, 2018, 3:00 p.m. to 7:30 p.m. Tabatha Garnett was present.

The Commission reviewed applications for special one-day license to sell/dispense malt beverages and wines only, or either one.

Tabatha Garnett, Catering Manager, Aramark, Elaine Majors Retirement Party, Thursday, July 26, 2018, 1:00 p.m. to 6:00 p.m. at the Allen House, 2 Solomont Way.

Jennifer Simone, Mill No. 5, 250 Jackson St., 4th and 5th floors, A Little Bazaar, Saturday, September 1st, 8th, 15th, 22nd, 29th, October 6th, 13th, 20th, 27th, November 3rd, 10th, 17th, 24th – 2018, 12:00 p.m. to 4:00 p.m. each day, and December 1st, 8th, and 15th – 2018, 12:00 p.m. to 5:00 p.m. each day. Jennifer Simone was present.

Penny K. Hamourgaz of Worthen Café, enclosed parking lot at 152 Worthen Street, Lowell Folk Festival 2018, Friday, July 27, 2018, 7:00 p.m. to 1:00 a.m., and Saturday, July 28, 2018, 5:00 p.m. to 1:00 a.m. Penny Hamourgaz was present,

Craig Faulkner of Warp & Weft, enclosed outdoor area at 197 Market Street, Lowell Folk Festival 2018, Friday, July 27, 2018, 5:00 p.m. to 12:30 a.m., Saturday, July 28, 2018, 11:00 a.m. to 12:30 a.m., Sunday, July 29, 2018, 11:00 a.m. to 6:00 p.m. Craig Faulkner was present.

Brender Fombah for wedding cook-out at Shedd Park Pavilion, Sunday, September 2, 2018, 2:00 p.m. to 8:00 p.m. Brender Fombah was present.

The Commission, on the motion by Commissioner McCarthy, second by Commissioner Krieger, voted to approve licenses for Tabatha Garnett, Jennifer Simone, Penny Hamourgas, Craig Faulkner, and Brender Fombah.

The Commission reviewed applications for special events permit for amplified outdoor public entertainment.

Joseph M. Carreiro, Jr., Mariachi Foods Inc., d/b/a el potro mexican grill, sound system, for the Lowell Folk Festival, Saturday, July 28 from 6:00 p.m. to 11:00 p.m., enclosed outdoor area in front of 124 Merrimack St. Joe Carreiro was present.

Penny K. Hamourgas of Worthen House Café, Inc., sound system for the alley patio at 141 Worthen St., June, July, August, September, October - 2018, Sunday to Wednesday - 10 a.m. to 10 p.m.; Thursday to Saturday - 10 a.m. to 12 a.m. Penny Hamourgas was present.

Penny K. Hamourgas, Worthen House Café, Inc., sound system, for the Lowell Folk Festival, Friday, July 27 from 6 p.m. to 12 mid., Saturday, July 28 from 12 noon to 12 mid., Sunday July 29, 2018 from 12 noon to 6 p.m., enclosed parking area at 152 Worthen St.

Sandy McNamara of Centralville Community Coalition, sound system, National Night Out, Tuesday, August 7, 2018, 6:00 p.m. to 9:00 p.m., outdoor grounds of 77 Boisvert St. Sandy McNamara was present.

Theodore Panagiotopoulos, Athenian Corner Restaurant and Lounge, Inc., sound system for musicians, July 26 to July 29, 2018, the patio and parking lot at 207 Market St. Ted Panagiotopoulos was present.

Chairman Descoteaux asked Captain Laferriere if there may be a problem with the planned activities. Captain Laferriere stated there is no issue with the activity planned by applicants for amplification

permits. The Commission, on the motion by Commissioner Donahue, second by Commissioner Howe, voted to approve amplification permits for Joseph M. Carreiro, Jr., Mariachi Foods Inc., and Penny K. Hamourgas of Worthen House Café, Inc., Sandy McNamara of Centralville Community Coalition, Theodore Panagiotopoulos, Athenian Corner Restaurant and Lounge, Inc.

The Commission reviewed applications for Sidewalk Stand permits.

Nadia DeLima, d/b/a I Happy Event Décor, 66 Merrimack Street, Seasonal April to October 2018. Nadia DeLima was present.

Ysabel Mansilla, d/b/a Galeria Café, 366 Merrimack Street, during Lowell Folk Festival July 27, 28, 29, 2018. Ysabel Mansilla was present.

John Walsh of Lowell Makes, Inc., business at 47 Lee Street, display site 175 Merrimack Street during Lowell Folk Festival July 27, 28, 29, 2018. John Walsh was present.

The Commission, on the motion by Commissioner Donahue, second by Commissioner McCarthy, voted to approve Sidewalk Stand permits for Nadia DeLima, Ysabel Mansilla, and John Walsh.

The Commission, reviewed the application by Revolution Motors, Inc., Patricia F. Kelley, President, for second hand motor vehicles: used car dealer license, Class II, for premises at 1582 Middlesex Street, an open lot approx. 7,400 sq. ft. and a two-story commercial office building. To be surrendered for cancellation second hand motor vehicles: used car dealer license, Class II, granted and issued to Platinum Cars, Inc., Joan F. Figuereo, President, 1582 Middlesex Street, license # 753-B, for 2018. The following individuals were present: Patricia Kelley, Bruno Sales, and Attorney Brian Akashian, legal counsel for Revolution Motors, Inc. Attorney Akashian stated that Platinum Cars several months ago just up and left with no forwarding address. A copy of the used car Dealer's license was in a frame, left in the office. Atty. Akashian stated that Ms. Kelley has eleven years' experience in used car sales. Mr. Sales was a business partner of Joan Figuereo of Platinum Cars until last year. Atty. Akashian stated that the sales and storage of vehicles has a maximum of twenty-two vehicles per Zoning Board of Appeals approval as a condition of the special permit. There is a designated two-cars parking for customers. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Donahue, voted to take the

following action: Cancelled second hand motor vehicles: used car dealer license, Class II, granted and issued to Platinum Cars, Inc., Joan F. Figuereo, President, 1582 Middlesex Street, license # 753-B, for 2018; Approved second hand motor vehicles: used car dealer license, Class II, to Revolution Motors, Inc., Patricia F. Kelley, President, 1582 Middlesex Street, license # 762-B, for 2018.

The Commission reviewed the application for lodging house license for 2018-2019 by Steven E. Byrne of Lowell for premises at 328 Wilder St. Steven Byrne was present. The current licensee is Donald Sheehan, license # 12LH2019. The Executive Secretary stated the property is in compliance with Building, Sanitary Code, and Fire Prevention regulations. Mr. Byrne purchased the property from Donald and Gloria Sheehan of New Hampshire. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Donahue, voted to take the following action: Cancelled the lodging house license granted and issued to Donald Sheehan for premises at 328 Wilder St., # 12LH2019; Granted the lodging house license to Steven E. Byrne for premises at 328 Wilder St., # 20LH2019.

The Commission reviewed the 2018 Lowell Back to School Bar Crawl Proposal by What's Poppin Entertainment – Mike Tecci, Nick Morano, and Robert Johnson for Saturday, September 15, 2018, 2 p.m. to 8 p.m. Messrs. Tecci, Morano, and Johnson were present. Chairman Descoteaux opened discussion on the Pub Crawl ordinance about the Commission allowed discretion in circumstances where a licensee has been found in violation of a regulation and received a suspension of license. The Commission finds that two licensees will be permitted to participate, but a third licensee's participation is not allowed because of a one day suspension, held in abeyance for six months. Mr. Johnson spoke for his business associates when stating that the two licensees who participated in May 2018 was cause to limit ticket sales to 1,000 applicants. Captain Laferriere stated that the Lowell Police department has concern that only two participating establishments places a large crowd in a central location. Commissioner McCarthy spoke of the litter that had been left on Middle Street after last May's event, suggesting to Mr. Johnson to arrange with Department of Public Works detail crew of workers to clean-up following September's event. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to grant a Pub Crawl license to What's Poppin Entertainment for Saturday, September 15, 2018 from 2 p.m. to 8

p.m., and two licensees are permitted to be designated as venues for the ticket sales promotion: The Village Smokehouse, 96-98 Middle Street, and The Blue Shamrock, 105 Market Street. The Commission voted, on the motion by Commissioner Krieger, second by Commissioner McCarthy, to request the presence of an Assistant City Solicitor at the July 26, 2018 meeting to review the Pub Crawl ordinance.

The Commission reviewed the application by NAI Entertainment Holdings LLC, d/b/a Showcase Cinema Lowell, Paula J. Keough, Vice President, all alcoholic beverages restaurant licensee at 32 Reiss Ave., for alteration of premises main lobby arcade. Licensee plans to repurpose south side of main lobby for 18 additional games and redemption center. The Commission ratified the publication of legal notice for July 13, 2018 in Lowell Sun newspaper; public hearing July 26, 2018, 6 p.m., City Council Chamber.

The Commission reviewed the application by Indian Restaurants, LLC, d/b/a Priya Indian Cuisine, Venkatesan Karuppiah, LLC Manager, all alcoholic beverages restaurant licensee at 1270 Westford Street, Unit # 10, for change of beneficial interest, and for change of manager. The Commission ratified the publication of legal notice for July 13, 2018 in Lowell Sun newspaper; public hearing July 26, 2018, 6 p.m., City Council Chamber.

The Commission reviewed the application by Gallery Z, LLC, d/b/a Gallery Z, Patricia Donahue, LLC Manager, for a malt beverages & wines only restaurant license for premises at 167 Market Street, unit C-4 & C-5. The Commission ratified the publication of legal notice for July 13, 2018 in Lowell Sun newspaper; public hearing July 26, 2018, 6 p.m., City Council Chamber.

The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to approve the request by Manny Silva of Portuguese American Civic League, dated July 10, 2018, to amend the special one-day license to sell/dispense malt beverages and wines only, or either one, and special events permit for amplified outdoor public entertainment granted to Manny Silva on June 7, 2018 from July 28, 2018, 12 p.m. to 6 p.m., to August 12, 2018, 12 p.m. to 6 p.m. due to concern for parking motor vehicles on Central Street during Folk Festival Saturday July 28th.

The Commission, on the motion by Commissioner Krieger, second by Commissioner Donahue, voted to adjourn the meeting at 7:10 p.m.

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

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