

Minutes for the Lowell License Commission meeting for Thursday, July 26, 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, Martha Howe, and Joseph Donahue; and Gary Gordon, Assistant City Solicitor, and Captain Paul Laferriere of the Lowell Police Department.

Absent: Commissioner Terry McCarthy

The Commission approved the meeting minutes for July 12, 2018 on the motion by Commissioner Krieger, second by Commissioner Howe.

The Commission reviewed the application for special one-day license to dispense wines only by Jim Dymont, Executive Director, The Brush Art Gallery & Studios, 256 Market Street, for the Reception "Epilepsy Foundation New England" Exhibit, Saturday, September 8, 2018, 2:00 p.m. to 4:00 p.m. Jim Dymont was present. The Commission, on the motion by Commissioner Donahue, second by Commissioner Howe, voted to approve the license for Jim Dymont of The Brush Art Gallery & Studios.

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

Anthony Contarino of TreMonte Restaurant Group, LLC, enclosed outdoor area @ 44 Palmer Street, Lowell Folk Festival 2018, Friday, July 27, 2018, 6:00 p.m. to 11:00 p.m., Saturday, July 28, 2018, 12:00 noon to 11:00 p.m., Sunday, July 29, 2018, 12:00 noon to 6:00 p.m. Reed Enos was present as representative.

Tabatha Garnett, Catering Manager of Aramark, Kathy Kendrick Retirement Party at the Allen House, 2 Solomont Way, Thursday, August 9, 2018, 3:00 p.m. to 7:00 p.m. Tabatha Garnett was present.

Gabby Davis - Made In Lowell, for Kerouac Park, Friday Nights!, Friday, August 10, 2018, 5:00 p.m. to 9:00 p.m.; August 24, 2018, 5:00 p.m. to 9:00 p.m.; September 28, 2018, 5:00 p.m. to 9:00 p.m.; and October 12, 2018, 5:00 p.m. to 9:00 p.m. Gabby Davis was present. Captain Laferriere had no objection for the Made In Lowell events at Kerouac Park.

The Commission, on the motion by Commissioner Howe, second by Commissioner Donahue, voted to approve license for Anthony Contarino of TreMonte Restaurant, Tabatha Garnett of Aramark, and Gabby Davis – Made In Lowell.

The Commission reviewed the applications for special events permit for amplified outdoor public entertainment from the following individuals:

Vicente Dalmaso, Life Connection Center Inc., sound system for live music at JFK Plaza for the Brazilian Food Festival, Saturday, August 25, 2018, 11:00 a.m. to 9:00 p.m. Vicente Dalmaso was present.

Eric Sack, Lowell Southeast Asian Water Festival, live music, d. j., amplified speakers, Southeast Asian Water Festival, Saturday, August 18, 2018, 10:00 a.m. to 6:00 p.m., Heritage Sampas Pavilion, Pawtucket Blvd. Gabby Davis was present as a representative.

Gabby Davis, Made In Lowell, live music at Kerouac Park, Friday Nights!, August 10, 2018, 5:00 p.m. to 9:00 p.m., August 24, 2018, 5:00 p.m. to 9:00 p.m., September 28, 2018, 5:00 p.m. to 9:00 p.m., and October 12, 2018, 5:00 p.m. to 9:00 p.m.

Chairman Descoteaux questioned the Executive Secretary about the absence of Eric Slack, as the applicant for Lowell Southeast Asian Water Festival. An explanation was offered as Ms. Davis confirmed her presence as representative; she had been requested by Eric Sack on Tuesday afternoon as he was not certain he'd make the meeting. Eric Sack has appeared before the Commission in previous years since 2010.

Kevin Goscila, Merrimack Valley Sierra Club, acoustic guitar, singer, PA system, Lowell Drives Electric, for Saturday, September 15, 2018, 12:00 noon to 5:00 p.m., Heritage Farm Ice Cream Stand, Pawtucket Blvd. Kevin Goscila was present.

Commissioner Howe asked Ms. Davis about the location for the band at the 'Friday Nights!' events. Ms. Davis stated band will 'face the bridge' by the light tower where there is an electrical outlet.

The Commission, on the motion by Commissioner Howe, second by Commissioner Krieger, voted to approve amplification permits for events Brazilian Food Festival, Lowell Southeast Asian Water Festival, Friday Nights!, and Lowell Drives Electric.

The Commission reviewed the applications for Sidewalk Stand permits.

Alaina & Doug Brackett, d/b/a Purple Carrot Bread Co., 107 Merrimack Street, Seasonal June to October 2018. Alaina Brackett was present.

Aaron Smith/Eleanor Toscano, MetroPCS, 117 Merrimack Street, Seasonal June to October 2018. Eleanor Toscano was present.

Mina Rezkalla, President, Market St Market, Cyrus Enterprises, Inc., 95 Market Street, Lowell Folk Festival July 27, 28, 29, 2018. Mina Rezkalla was not present.

Mark Coddair, d/b/a Marx Running, 118 Merrimack Street, Seasonal June to October 2018; Mark Coddair was not present. The Executive Secretary stated that Mr. Coddair had stopped by the office earlier in the day to state he would be unable to be at the meeting. The Secretary stated if he could issue the license starting the Folk Festival weekend, it would be for Commission ratification at the next meeting when Mr. Coddair is expected to be present.

The Commission, on the motion by Commissioner Howe, second by Commissioner Donahue, approved seasonal sidewalk permits for Alaina & Doug Brackett, d/b/a Purple Carrot Bread Co., and Aaron Smith/Eleanor Toscano, MetroPCS.

The Commission opened the public hearing on 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 following individuals were present: Sean Judge, Area General Manager for Showcase Cinema, and Attorney Joseph Tarby, legal counsel for NAI Entertainment Holdings LLC. The Commission reviewed the affidavit of notification to abutters. The affidavit was ordered to be placed on file, with white postal slips and return receipts filed by legal counsel. Attorney Tarby stated that Showcase Cinema plans to add additional arcade games and a redemption center in the main lobby. Chairman Descoteaux requested a review of the proposed floor plan. Mr. Judge and Attorney Tarby came to the Commissioners table to clarify the floor plan. Mr. Judge presented several enlarged photos that depict the lobby area where arcade games will be placed. Attorney

Tarby stated that the total number of arcade games will be 29. Commissioner Howe asked about the building permit issued for the lobby. Mr. Judge stated that the lobby area has arcade games, tables and chairs which the plan allows for more games and a redemption center. Chairman Descoteaux opened the hearing for public comment. There was no one present to speak in favor of the application. There was no one present to speak in opposition to the application. The public hearing was closed. The Commission, on the motion by Commissioner Krieger, second by Commissioner Howe, voted to approve the application for alteration of premises by NAI Entertainment Holdings LLC, d/b/a Showcase Cinema Lowell. The Commission approved the increase in coin operated games from eleven to twenty-nine for Showcase Cinema Lowell.

The Commission opened the public hearing on 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. It is requested that Venkatesan Karuppiah be approved as manager of record for Indian Restaurants, LLC. Venkatesan Karuppiah was present. Chairman Descoteaux and Commissioner Howe questioned Mr. Karuppiah about ownership in the limited liability company and his training as manager of record. Mr. Karuppiah stated that he has been majority owner for the past nine years but is not T.I.P.S. certified. Mr. Karuppiah stated that he is scheduled to take the T.I.P.S. program. Chairman Descoteaux requested he file with the License Commission office a copy of his T.I.P.S. certification when it has been issued. Chairman Descoteaux opened the hearing for public comment. There was no one present to speak in favor of the application. There was no one present to speak in opposition to the application. The public hearing was closed. The Commission, on the motion by Commissioner Krieger, second by Commissioner Howe, voted to approve the application for change of beneficial interest, and for change of manager for Indian Restaurants, LLC, d/b/a Priya Indian Cuisine.

The Commission opened the public hearing on 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. It is requested that Patricia Donahue be approved as manager of record for

Gallery Z, LLC. The following individuals were present: Patricia Donahue, and Attorney Raymond Weicker, legal counsel for Gallery Z, LLC. The Commission reviewed the affidavit of notification to abutters and church, and school 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. Commissioner Donahue stated that he is not related to Patricia Donahue of Gallery Z, LLC. Attorney Weicker stated Patricia Donahue's experience with Gallery Z special events, and would now like to have the license to serve and store beer and wine at Gallery Z restaurant. Commissioner Howe asked Ms. Donahue of her plan for alcohol beverage service. Ms. Donahue stated she will offer specialty wine and beer with food. There is a small bar to serve beverages. Ms. Donahue stated she is SAFE certified and will enroll in the TIPS program. Chairman Descoteaux requested he file with the License Commission office a copy of his T.I.P.S. certification when it has been issued. Chairman Descoteaux opened the hearing for public comment. There was no one present to speak in favor of the application. Chairman Descoteaux opened the hearing for anyone who wished to speak against the application. Mr. Jeff Clark, resident [abutter] at 172 Middle Street, addressed the Commission. He stated that he and his wife reside at the Ayer Lofts in a condo approximately 15 feet from the rear of Gallery Z where there is a dining room. Mr. Clark stated he is not opposed to the license application but requested that business not go past 10:00 p.m. Attorney Weicker and Ms. Donahue stated Gallery Z will accommodate 24 to 30 people in the dining room but have no plan to offer food and beverage service after 10:00 p.m. Attorney Weicker stated any issue with noise can be addressed by calling the Lowell Police department. The Commission noted that hours of service of alcohol beverages for on-premises licenses are governed by state law, allowing a licensee to sell and serve from 11 a.m. to 11 p.m., all days of the week. The public hearing was closed. The Commission, on the motion by Commissioner Krieger, second by Commissioner Howe, voted to grant a malt beverages and wines only restaurant license to Gallery Z, LLC, d/b/a Gallery Z, Patricia Donahue, LLC Manager, for premises at 167 Market Street, unit C-4 & C-5, for the calendar year to expire December 31, 2018. The Commission did not find the granting of said license would be detrimental to the religious activity of

churches and educational activity of a school located within 500 feet of premises at 167 Market St. It was voted to approve Patricia Donahue as manager of record for Gallery Z, LLC.

The Commission opened the hearing on the application filed by LD Holdings, LLC, d/b/a Revolution, all alcoholic beverages restaurant licensee at 74 Merrimack St., for change of manager of record to Joel E. Feicht of Columbiana, Ohio. Joel Feicht, and Attorney Travis Jacobs, legal counsel for LD Holdings, LLC, were present. Commissioner Donahue stated he finds that the application offers so little information and is not supported by a resume to be an insult to the City of Lowell [License Commission]. Commissioner Krieger stated there is no CORI background check for the states of Pennsylvania, Ohio, and [Texas]. Commissioner Krieger recommended the application be continued to the next meeting in anticipation of the Commission receiving additional information. Commissioner Howe requested additional information regarding work experience in the states of Ohio, Texas, and Pennsylvania. Chairman Descoteaux requested a detailed resume. Mr. Feicht stated his work experience, and Attorney Jacobs stated additional information will be submitted to the Commission for the next meeting. The Commission, on the motion by Commissioner Krieger, second by Commissioner Howe, voted to continue the hearing for change of manager for LD Holdings, LLC, d/b/a Revolution, to August 9, 2018.

Chairman Descoteaux recused himself from the following application on the advice of the City Solicitor. Commissioner Krieger presided.

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 Chelsea Lee Grove of Harrisburg, Pennsylvania. Chelsea Lee Grove, and Attorney Travis Jacobs, legal counsel for LD Holdings, LLC, were present. Commissioner Donahue stated he finds the application to offer little information and no resume. Chelsea Lee Grove stated her work background in the states of Pennsylvania and Virginia. The Commission, on the motion by Commissioner Donahue, second by Commissioner Howe, voted to continue the hearing for change of manager for LD Holdings, LLC, d/b/a Bar 74 Lounge & Grill, to August 9, 2018.

Atty. Jacobs stated that Mr. Feicht and Ms. Grove are residents of Pennsylvania and will be returning there. He requested that they be excused from the next meeting when resumes and CORI reports will be reviewed by the Commission. The Commission by consensus granted said request.

Chairman Descoteaux returned to the meeting.

The Commission reviewed the application filed by Fenil Corporation, d/b/a Country Farms, Jayeshkumar Arvind Patel, President, for transfer of malt beverages & wines only package store license from Amal Fuel Inc., d/b/a Drum Hill Gulf, Richard Elkhoury, President, and for change of location from 1299 Westford Street to 268 Branch Street. It is requested that Jayeshkumar Arvind Patel be approved as manager of record for Fenil Corporation. The Commission, on the motion by Commissioner Donahue, second by Commissioner Howe, voted to ratify publication of the legal notice in the Lowell Sun newspaper for July 27, 2018 and to schedule the public hearing for August 9, 2018 at 6:00 p.m. in the City Council Chamber.

Chairman Descoteaux recognized Mike Tecci, Nick Morano, and Robert Johnson of What's Poppin Entertainment. Chairman Descoteaux requested from Assistant Solicitor Gordon if the Pub Crawl ordinance will allow the Commission to exercise their discretion on the matter of a licensee disciplined a one day suspension to be held in abeyance for six months. Asst. Solicitor Gordon stated that the ordinance does not give the Commission discretion in the instance of a licensee have had a license suspension in the past year. The Commission discussed with Messrs. Morano, Tecci, and Johnson the difficulty of managing a large crowd of participants when there are only two licensees for the pub crawl event to be held on September 15, 2018. Chairman Descoteaux recommended that the City Solicitor and Superintendent of Police review the ordinance in order to allow for discretion by the License Commission.

The Commission, on the motion by Commissioner Krieger, second by Commissioner Howe, voted to adjourn the meeting at 7:25 p.m.

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

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