



This meeting was held in City Council Chambers, second floor, City Hall, 375 Merrimack St. on Thursday, August 11, 2022, at 6:00 PM and remotely by Zoom  
Meeting ID: \_840 8166 8381 Passcode: \_762959.

Video of this meeting is available: <https://youtu.be/9qa9AGBibRU>.

### **ROLL CALL:**

**On a roll call at 17:59, members present were, namely: Commissioner Krieger, Commissioner Howe, Commission Chair Descoteaux, Commissioner Chhan, and Commissioner Donahue.**

### **MINUTES:**

0. Acceptance of the meeting minutes for July 28, 2022.

**Commissioner Howe made a motion to approve and place minutes on file from the Lowell License Commission Meeting of Thursday, July 28, 2022; seconded by Commissioner Chhan. 5 years, APPROVED.**

1. Ratification of an application by Jhonny Palacios, Platino's Bar & Grill, for a "Special One Day License to sell/dispense Beer & Wine" at the Puerto Rican Festival on Sunday August 7, 2022 from Noon to 9PM at JFK Plaza, 50 Arcand Drive.

Ratification of an application by Henry Hoffens, for a "Special Events Permit for Amplified Outdoor Public Entertainment," for Live Music at the Puerto Rican Festival on Sunday August 7, 2022 from Noon to 9PM at JFK Plaza, 50 Arcand Drive.

Ratifications were taken together by the Commission.

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

3. Hearing on the application by James Lichoulas, license manager of Coco Luna LLC [d/b/a] Coffee & Cotton, for the alteration of premises for a "Malt Beverages & Wines only restaurant" license, for premises at 250 Jackson Street.

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

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

4. Application by Pina Amato, Owner of The Coffee Mill Emporium, Inc., for a "Common Victualler" license without alcoholic beverage service for premises at 23 Palmer Street.

**Ms. Amato was not present at the meeting.**

5. Application by Erin Duffey, City of Lowell Cultural Affairs & Special Events (CASE), for three "Special Events Permits for Amplified Outdoor Public Entertainment," for Live & Recorded Music to be held:

- Kerouac Park Pop-Up summer music series, Saturday August 13, 2022 from 4 to 6PM in Kerouac Park, 93 Bridge Street.
- CASE VIBE Band Day @ Kerouac Park, Saturday September 3, 2022 from 2 to 6PM in Kerouac Park, 93 Bridge Street.
- CASE VIBE Street Art Festival, Saturday September 10, 2022 from Noon to 6PM in Lucy Larcom Park, 255 Merrimack Street.

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

6. Application by Ellen Casazza for a "Special One Day License to sell/dispense Malt Beverages & Wines" for an artist's reception for Inside Out on Saturday August 20, 2022 from 4 to 6PM at Curation 250, 250 Jackson Street.

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

7. Hearing regarding allegations of misconduct charged against The Middle Street Village, d/b/a The Village Smokehouse, 92-98 Middle Street, Alan Kaplan, License Manager, all alcoholic beverages restaurant licensee. Allegations of misconduct occurred Sunday May 22, 2022, and are namely: 1) failure to maintain order in the premises and surrounding areas and 2) failure to promptly notify Lowell Police of an ongoing incident involving a firearm.

At the hearing held by the License Commission on August 11, 2022, the following individuals appeared before the licensing board: Tim Kelleher, Chintan Patel, Attorney Travis Jacobs, legal counsel for The Middle Street Village, Inc., Captain David Peaslee, and Detective Casey Finn of the Lowell Police Department. Assistant City Solicitor, Helen Anderson, was present for the City of Lowell.

Captain Peaslee read Superintendent Barry Golner's request for the hearing into the record. Detective Finn reviewed his police report of the incident. Attorney Jacobs reviewed the timeline of events. The License Commission had Chintan Patel, Detective Finn, and Tim Kelleher speak to clarify questions surrounding the timeline. The Commission found a fifteen to twenty minute discrepancy between witnesses' accounts. The Commission believe that this constitutes a violation of 1.20's requirement to immediately report illegal activities to LPD.

The License Commission determined that the Licensee was responsible of the original violation of 1.16, manager's responsibility to maintain order, because the Licensee failed to mitigate or reduce the risk of illegal activity.

**After hearing the witnesses and reviewing the evidence, on a motion made by Commissioner Descoteaux, amended by Commissioner Donahue and seconded by Commissioner Chhan, the Commission voted in a roll-call vote 3-2 to suspend the License as described above. Commissioner Howe then made a motion to stay the suspension pending appeal, seconded by Commissioner Krieger and approved unanimously.**

8. Adjournment.

**ADJOURNMENT:**

**Commissioner Chhan made a motion to adjourn at 19:39, seconded by Commissioner Donahue. 5 yeas, APPROVED.**

*Submitted by: John Pyers  
Executive Secretary*

