

Minutes for the Lowell License Commission meeting for Thursday, September 27, 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, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to approve the meeting minutes for September 13, 2018.

The Commission reviewed applications for special one-day license to dispense wines only from the following individuals:

Barbara L. Gagel of Ayer Lofts Art Gallery, 172 Middle St., Locating Nirvana - Art Show L. C. K., Friday, October 5, 2018, 4:00 p.m. to 7:00 p.m. Barbara Gagel was present.

Steve Syverson, President, Arts League of Lowell, Inc., 307 Market Street, Artists' reception - Madi Lord Sculpture, Sunday, October 7, 2018, 2:00 p.m. to 4:00 p.m. Steve Syverson was present.

Kevin Duggan, an Art reception, Saturday, October 13, 2018, 6:00 p.m. to 9:00 p.m. at the Appleton Mills Gallery, 219 Jackson Street. Kevin Duggan was present.

Jeffrey A. Clark at the Ayer Lofts Art Gallery, 172 Middle St., Luminosity - Astrophotography and Inspired Jewelry, Saturday, November 3, 2018, 6:00 p.m. to 9:00 p.m. Jeffrey Clark was present.

The Commission, on the motion by Commissioner Howe, second by Commissioner Krieger, voted to approve special one-day licenses to dispense wines only for Barbara L. Gagel, Steve Syverson, Kevin Duggan, and Jeffrey A. Clark.

The Commission reviewed applications for special one-day license to sell/dispense malt beverages and wines only, or either one from Tabatha Garnett, Catering Manager, Aramark, for the FAHSS Welcome Back Social, Thursday, October 4, 2018, 4:00 p.m. to 9:00 p.m. at the Allen House, 2 Solomont Way; and Charlotte Parnagian of The Party Connection, UTEC, 35 Warren Street, E for ALL - "Locally Yours" event, Thursday, November 15, 2018, 6:00 p.m. to 9:00 p.m. Tabatha Garnett and Charlotte Parnagian were present. Charlotte Parnagian, when asked by Chairman Descoteaux, stated that the event to be held

at UTEC is a re-union of young entrepreneurs. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Donahue, voted to approve special one-day malt beverages and wines only licenses for Tabatha Garnett of Aramark, and Charlotte Parnagian of The Party Connection.

The Executive Secretary informed the Commission that the event for which a special events permit for amplified outdoor public entertainment was issued September 17, 2018 to Suzzanne Cromwell of Lowell Film Collaborative was cancelled, outdoor movie screening, Friday, September 21, 2018, 6:00 p.m. to 9:00 p.m., at Rotary Club Park Community Garden, 22 Richmond Ave. Ms. Cromwell informed the Executive Secretary via email earlier in the day. The Commission placed the application for the film event on file.

The Commission reviewed the application for Pub Crawl license by State Representative Tom Golden's Charity Restaurant Food Stroll for Saturday, November 10, 2018 from 1:00 p.m. to 6:00 p.m., Downtown Lowell-Merrimack, Market, Palmer, and Central Streets. Nancy McGovern was present as representative. Ms. McGovern informed the Commission that Representative Golden is unable to be at the meeting. The event is to benefit the Boys & Girls Club Charity. Captain Laferriere informed the Commission that the Lowell Police Department had no issues with the event. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Krieger, voted to approve the Pub Crawl license for the Charity Restaurant Food Stroll on November 10, 2018.

The Commission reviewed the application by Himanshu Shah and Anurag Wakhlu for Lodging House license for premises at 328 Wilder Street. Himanshu Shah was present. Commissioners Donahue and Howe questioned Mr. Shah about the management of the lodging house. Mr. Shah stated that he and his partner [Anurag Wakhlu] have yet to decide what type of entity to form for the ownership of the property, e.g. trust or corporation. The property, purchased from Steven Byrne, had been inspected by Fire Prevention and Building Inspectors in the spring of 2018. Lodgers will be required to sign a lease, and follow set rules. Mr. Shah stated that he and his partner live outside the City of Lowell, but he or Mr. Wakhlu will be available to inspectors, and for emergencies. Chairman Descoteaux inquired about UMass Lowell students as the lodgers. Mr. Shah stated the lodging house is in close proximity to the south

campus of UMass, but the house will also be available to non-students. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Krieger, voted to approve a Lodging House license to Himanshu Shah and Anurag Wakhlhu. The license granted to Steven Byrne on July 12, 2018 is to be surrendered for cancellation.

The Commission opened the public hearing on the application by Lao De Café, LLC, d/b/a Lao De Café, Ricky Rathombath, LLC Manager, for an all alcoholic beverages restaurant license for premises at 108 Merrimack Street, first floor, 1100 square feet, one room, one entrance, two exits, basement for storage, 800 square feet, and outdoor café, 63 square feet. Ricky Rathombath and Attorney David P. LiBassi, legal counsel for Lao De Café, were present. Attorney LiBassi stated Mr. Rathombath owns and manages the restaurant, offering Asian food. He is working with his cousin. In order to compete with downtown restaurants, Mr. Rathombath would like to offer alcoholic beverages. At present, the restaurant may accommodate fifteen (15) patrons. A legal closing time of 12 midnight is requested. Commissioners Howe and Donahue questioned Mr. Rathombath about his work experience, and understanding of the restaurant rules and regulations. Commissioner Howe asked if he is T.I.P.S. certified. Mr. Rathombath stated he is. Chairman Descoteaux asked about the financial information. Attorney LiBassi stated that he had been advised about the financial information for application for a new license, it is an original application, and the license was not purchased from a prior owner. The Executive Secretary stated that Mr. Rathombath owns the restaurant, has the permit for food establishment, and license for common victualler, and has been opened for business for several months. Chairman Descoteaux opened the hearing for public comment, requesting to hear from anyone who wished to speak in favor of the application. There was no one present to speak in favor; that portion of the hearing was closed. Chairman Descoteaux opened the hearing to anyone who wished to speak in opposition to the application. There was no one present to speak in opposition; that portion of the hearing was closed. The Commission, on the motion by Commissioner Donahue, second by Commissioner Krieger, voted to grant an all alcoholic beverages restaurant license to Lao De Café, LLC, d/b/a Lao De Café, for premises at 108 Merrimack Street, first floor, 1100 square feet, one room, one entrance, two exits, basement for storage,

800 square feet, and outdoor café, 63 square feet., for the calendar year ending December 31, 2018. The Commission voted to approve Ricky Rathombath as manager of record for Lao De Café, LLC. The Commission did not find the approval of the above license application would be detrimental to the church or educational activities of the following: St. Joseph The Worker Shrine, St. Anne's Episcopal Church, Lowell High School, and Lowell Middlesex Academy Charter School.

The Commission reviewed a communication from Victor M. Forsley, Esq., received September 27, 2018, as legal counsel for Charles E. Byrne, d/b/a Bay State Auto Sales, requesting a postponement of the hearing on the matter of illegalities in violation of MGL C. 140, ss. 58, 59, 62, 66, 69 as recorded in communications from Massachusetts Department of State Police regarding Charles E. Byrne, d/b/a Bay State Auto Sales, Class II, used car Dealer licensee, #391-B, for premises at Rear 418-420 Chelmsford Street. The Commission approved the request for a continuance to October 18, 2018. The communication from Attorney Forsley was ordered to be placed on file.

Chairman Descoteaux recused himself, on the advice of the City attorney, on the discussion of the Executive Secretary report regarding Chelsea Grove email received on September 13, 2018 that she has resigned her position as manager of record for Bar 74 (LD Holdings, LLC), and that she has not been present at the establishment since August 26th. Commissioner Howe stated her concern about the manager of record resignation. Asst. Solicitor Gordon discussed with the Commission the matter of scheduling a disciplinary hearing for the next meeting, October 18, 2018. Commissioner Howe made the motion, second by Commissioner Krieger, to notify the licensee, LD Holdings, LLC, d/b/a Bar 74 Lounge & Grill, Lauren DiSalvo, LLC Manager, to appear at a hearing on Thursday, October 18, 2018 at 6:00 p.m., to be held in the City Council Chamber. The License Commission requires the licensee to address the status of the manager of record position. The licensee will be notified that the Commission has the authority to suspend, modify, revoke or cancel licenses. Chairman Descoteaux called for a roll call vote on the motion: Chairman Descoteaux, present; Commissioner Krieger, yes; Commissioner McCarthy, yes; Commissioner Howe, yes; Commissioner Donahue, yes. Vote is four (4) yeas, one (1) present.

The Commission reviewed the Executive Secretary report, to wit: Joel Feicht reported on September 13, 2018 that he has resigned his position as manager of record for Revolution (LD Holdings, LLC), and that he has not been present at the establishment since August 26th. The Commission, on the motion by Commissioner Krieger, second by Commissioner Donahue, voted to notify the licensee, LD Holdings, LLC, d/b/a Revolution, Lauren DiSalvo, LLC Manager, to appear at a hearing on Thursday, October 18, 2018 at 6:00 p.m., to be held in the City Council Chamber. The License Commission requires the licensee to address the status of the manager of record position. The licensee will be notified that the Commission has the authority to suspend, modify, revoke or cancel licenses.

The Commission reviewed the application by Valerie Georgoulopoulos, d/b/a Sophia's Greek Pantry North, for malt beverages & wines only package store license for premises at 479 Market Street. The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to schedule the public hearing for Thursday, October 18, 2018 at 6:00 p.m., to be held in the City Council Chamber. The Commission voted to ratify the publication of the legal notice for Friday, September 28, 2018 in the Lowell SUN newspaper. The applicant is to send the published notice to abutters and churches and schools within 500 feet.

The Commission, on the motion by Commissioner Krieger, second by Commissioner Donahue, voted to adjourn the meeting at 6:40 p.m.

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

* * * * *