

## Lowell License Commission | Meeting Minutes for October 21, 2021

*Date:* October 21, 2021

*Time:* 6:00 PM

*Location:* This meeting is being held place in the City Council Chamber, second floor, City Hall, 375 Merrimack St. on Thursday, October 21, 2021, at 6:00 PM and remotely by Zoom:

Meeting ID: 820 8624 8443 Passcode: 317312.

### **ROLL CALL:**

**On a roll call at 18:02, members present were, namely: Chairman Descoteaux, Commissioner Donahue, Commissioner Howe, Commissioner Krieger, and Commissioner Chhan.**

### **MINUTES:**

0. Acceptance of meeting minutes for August 25, 2021.

**Commissioner Krieger made a motion to place on file the minutes from the Lowell License Commission Meeting of Thursday, August 25, 2021; seconded by Commissioner Howe. 4 years, APPROVED.**

Acceptance of meeting minutes for September 30, 2021.

**Commissioner Krieger made a motion to place on file the minutes from the Lowell License Commission Meeting of Thursday, September 30, 2021; seconded by Commissioner Donahue. 4 years, APPROVED.**

1. Ratification of the following application from October 5, 2021:  
Application by Samuel Moko for a "Special One Day License to sell/dispense Malt Beverages and Wines Only," for a 'Wake Keeping Celebration,' to be held at the Hellenic Center, 62 Lewis Street on October 16th, 2021 from 6:00 PM to Midnight.

**Move approval by Commissioner Howe; seconded by Commissioner Chhan. 4 years, APPROVED.**

2. Public hearing on the application by Number Two China Star LLC, Johnny Le, proposed Manager, for a 'change of license manager' for their "all alcoholic beverages restaurant license," for premises at 44 Palmer Street.

Mr. Johnny Le, the LLC Manager and Owner of Number Two China Star, LLC, spoke with the License Commission about his experience and how his role at the business has changed over the years since 2012 when he originally opened and licensed the business. Mr. Le hasn't been the manager of the liquor license for several years, but is getting re-certified by TIPs.

**Move approval by Commissioner Howe; seconded by Commissioner Krieger. 4 years, APPROVED.**

3. Communication from Raymond Kelly Richardson, Superintendent of Police, dated October 12, 2021, 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 October 2, 2021 and are namely: 1) failure to maintain order in the premises and surrounding areas and 2) failure to notify Lowell Police of altercation reported by patrons to Lowell Police on October 3, 2021.

At the Commission's request, Lowell Police Captain John Sheehan provided a summary of why the Lowell Police are requesting a disciplinary session for Alan Kaplan, the License Manager for 'The Middle Street Village, d/b/a The Village Smokehouse. Captain Sheehan described the (two) victims' claims of being jumped by five other males and hit over the head with beer bottles. He also noted that employees of the Smokehouse provided some immediate first aid and then sent them to Lowell General Hospital. He noted that the manager of the Smokehouse did not file an incident report with LPD or any LPD Officer. LPD had no leads on the suspects.

Commissioner Donahue asked Captain Sheehan if incidents related to alcohol use were on the rise, and Captain Sheehan conveyed that incidents per time seem to be headed toward pre-pandemic levels.

Commissioner Donahue requested that Captain Sheehan provide the Police Report for this incident to the License Commission.

**Motion to schedule a hearing on the alleged violations for The Middle Street Village, Alan Kaplan License Manager, made by Commissioner Donahue; seconded by Commissioner Howe. 4 years, APPROVED.**

4. For discussion per request by License Commission Chair, John Descoteaux: Annual alcoholic beverage licensing fee waivers in light of City of Lowell policy regarding refunds, per section 1.04 of "Alcoholic Beverages Regulations for Licenses Issued by the Lowell License Commission."

Mr. Pyers clarified for the Commission that since the fiscal year 2021 had been closed, any reimbursement would not, technically, be made from fiscal year 2021 funds. Mr. Pyers clarified that the 2021 alcoholic beverage license fees were collected the first week of April, 2021.

**Motion to refer the issue of 'how to provide a refund for 3 months of package store fees' to the Law Department made by Commissioner Howe; seconded by Commissioner Krieger. 4 years, APPROVED.**

### **ADJOURNMENT:**

**Commissioner Krieger made a motion to adjourn at 18:19; seconded by Commissioner Chhan. 4 years, APPROVED.**

*Submitted by: John Pyers  
Executive Secretary*

[Meeting minutes approved at November 4, 2021 License Commission Meeting.](#)

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