

Minutes for Lowell License Commission meeting, Thursday, January 28, 2016 at 6:30 p.m., City Council Chamber, 2nd floor, City Hall, 375 Merrimack St., Lowell, MA 01852

Present: John Descoteaux, Commissioner, Chairman, Commissioners Cliff Krieger, Nancy McGovern, Terry McCarthy; and Captain Jack Webb of the Lowell Police Department. Absent: Commissioner Kristen Hogan.

The Commission voted to approve the minutes for meetings December 17, 2015, and January 14, 2016 on the motion by Commissioner Krieger, second by Commissioner McCarthy.

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

Marta Rodrigues of Portuguese American Lowell Youth Center, 739 Central Street, Saturday, January 30, 2016, 6:00 p.m. to 12:00 a.m. The event is a Carnaval Dance. Marta Rodrigues was present. Ms. Rodrigues stated it is her fourth application.

Joelle Geisler of UTEC, 35 Warren Street, Friday, February 12, 2016, 7:00 p.m. to 10:00 p.m. The event is String Fling: A Valentine's Dance Party. Joelle Geisler was present. Ms. Geisler stated the event is for adults.

The Commission voted to approve the special one-day licenses on the motion by Commissioner McCarthy, second by Commissioner Krieger.

The Commission reviewed applications for special one-day licenses to dispense wines only at art gallery Patricia Donahue, Gallery Z, 167 Market Street, art opening reception, Sunday, February 7, 2016, 1:00 p.m. to 5:00 p.m. Patricia Donahue was present. Ms. Donahue stated she had appeared before the Commission but as a representative for another applicant last year.

Patricia Donahue, Gallery Z, 167 Market Street, art opening reception, Sunday, March 6, 2016, 1:00 p.m. to 5:00 p.m.

Patricia Donahue, Gallery Z, 167 Market Street, art opening reception, Friday, April 1, 2016, 6:00 p.m. to 9:00 p.m.

The Commission voted to approve the licenses to dispense wines only on the motion by Commissioner Krieger, second by Commissioner McGovern.

The Commission opened the public hearing on the application by Holy Ghost Society, Inc., Jose M. Santos, Clerk, for an all alcoholic beverages club license for premises at 65 Village Street, three lots approximately 110,211 sq.

ft. inclusive of one story building approx. 10,080 sq. ft. with a main function hall area, kitchen, office, bar, storage areas and covered bar patio. Main entrance/exit from parking area and seven additional exits; and outdoor function area including additional bar, covered seating area and open area. The following individuals were present: Jose Santos, Maria Camara, Nair Santos, and Attorney Karen Simao, legal counsel for Holy Ghost Society, Inc. The Commission reviewed and ordered placed on file the affidavit attesting to the mailing of the legal notice to abutters, the white postal slips, and green return receipts. Attorney Simao made the presentation on behalf of the application by the Holy Ghost Society, Inc. Chairman Descoteaux questioned if the Holy Ghost Society intended to have the club open seven (7) days of the calendar week. Attorney Simao stated the club activities today are on weekends. Chairman Descoteaux opened the hearing for public comment. Glenn Mello addressed the Commission, and spoke in favor of the Holy Ghost Society application. There was no one present to speak in opposition to the application. The Commission closed the public commentary portion of the hearing. The hearing was declared closed, and the following action taken, on the motion by Commissioner McCarthy, second by Commissioner Krieger, it was voted to grant an all alcoholic beverages club license for calendar year 2016 to Holy Ghost Society, Inc. for premises at 65 Village Street. It was voted to approve Jose M. Santos as manager of record for the Holy Ghost Society, Inc.

The Commission voted, on the motion by Commissioner Krieger, second by Commissioner McCarthy, to re-schedule public hearing for February 11, 2016 on the application by Phuong-Tuyen Nguyen, dba Sizzling Kitchen, for a malt beverages and wines only restaurant license for premises at 478 Merrimack Street, one unnumbered exit door west side, first floor dining room, kitchen, 800 sq. ft.; basement for storage 340 sq. ft. Ms. Nguyen was present. The Executive Secretary stated that Ms. Nguyen had not sent the legal notice published January 15, 2016 in the Lowell Sun newspaper to abutters of 478 Merrimack St. A second legal notice will be published on Monday, February 1, 2016.

The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to schedule a public hearing for February 25, 2016, and the publication of a legal notice for February 12, 2016, on the application filed by Renay M. Wolterding for the transfer of the all alcoholic beverages restaurant license from Resendes, Incorporated, d/b/a Redline Pub & Grill, John Resendes, President, for premises at 1018 Gorham Street.

The Commission voted, on the motion of Commissioner Krieger, second by Commissioner McCarthy, to continue to February 11, 2016 the hearing on the allegations of misconduct by William M. Taylor, Superintendent of Police, dated January 8, 2016, regarding violations on December 27, 2015 that are charged against Vannak Kann, d/b/a The Crown, all alcoholic beverages restaurant licensee at 74 Middlesex St., to wit: (a) failure to maintain order and decorum in the premises, and in the immediately surrounding areas adjacent to the premises, Regulation 1.16 of the Regulations of the Lowell License Commission; (b) failure to notify the Lowell Police Department when any violation of law, disorder, or disturbance is taking place in the licensed premises, in violation of Regulation 1.20 of the Regulations of the Lowell License Commission; (c) failure to notify the Lowell License Commission of a police response to the licensed premises within 48 hours, Regulation 1.16 of the Regulations of the Lowell License Commission; (d) A.B.C.C. regulation 204 CMR 2.05 (2) No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance, or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefore, whether present or not. Mr. Kann has requested legal counsel representation for the hearing but could not obtain counsel for the hearing scheduled January 28, 2016.

The Commission voted to adjourn the meeting at 7:00 p.m. on a motion by Commissioner McGovern, second by Commissioner McCarthy.

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