

Minutes for the Lowell License Commission meeting for Thursday, February 16, 2017 at 6:00 p.m., held in the Mayor's Reception Room, 2nd floor, City Hall, 375 Merrimack St., Lowell, MA 01852.

Present: John Descoteaux, Commissioner, Chairman, Commissioners Cliff Krieger, Martha Howe, and Joseph Donahue; and Deputy Superintendent Jack Webb of the Lowell Police Department, Rachel Brown, 1st Asst. City Solicitor, Elliott Veloso, Asst. City Solicitor.

Absent: Terry McCarthy, Commissioner

The Commission, on the motion by Commissioner Krieger, second by Commissioner Donahue, voted to approve the minutes for meeting January 26, 2017.

The Commission reviewed application for special one-day license to sell/dispense all alcoholic beverages by Marc Clermont of Miracle Providers Northeast, Inc., The Onyx Room, 122 Western Ave., Mardi Gras Ball and Silent Auction for the Miracle Provider Fundraiser, Saturday, February 25, 2017, 7:00 p.m. to 12:00 midnight. Marc Clermont was present. The Commission, on the motion by Commissioner Howe, second by Commissioner Donahue, voted to approve the license for Marc Clermont of Miracle Providers Northeast, Inc.

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

P. J. Mercier of Navigation Brewing Co., Winterfest Footprint (Lucy Larcom Park to JFK Plaza), Winterfest, Friday, February 24, 2017, 6:00 p.m. to 11:00 p.m. and Saturday, February 25, 2017, 11:00 a.m. to 11:00 p.m. P. J. Mercier was present.

Adam Pearson of Merrimack Ales, LLC, Winterfest Footprint (Lucy Larcom Park to JFK Plaza), Microbrew Showcase - Winterfest, Friday, February 24, 2017, 6:00 p.m. to 11:00 p.m. and Saturday, February 25, 2017, 11:00 a.m. to 11:00 p.m. Adam Pearson was present.

Scott Pelletier of G & AA LLC, d/b/a Fuse Bistro, Winterfest Footprint (Lucy Larcom Park to JFK Plaza), Winterfest, Friday, February 24, 2017, 5:00 p.m. to 11:00 p.m. and Saturday, February 25, 2017, 11:00 a.m. to 11:00 p.m. Scott Pelletier was present. Chairman Descoteaux asked Deputy Supt.

Webb about security for the Winterfest. Deputy Webb stated there will be detail police working security at Winterfest. The Commission, on the motion by Commissioner Krieger, second by Commissioner Howe, voted to approve licenses for the three Winterfest vendors: P. J. Mercier of Navigation Brewing Company, Adam Pearson of Merrimack Ales, and Scott Pelletier of Fuse Bistro. The Commission reviewed applications by Patricia Donahue, Gallery Z, 167 Market St., Café Singer Heather Barker [private function], Saturday, February 18, 2017, 8:00 p.m. to 10:00 p.m., and for Sunday Brunch with Mike Smith, Sunday, February 26, 2017, 12:00 p.m. to 2:00 p.m. Patricia Donahue was present. Ms. Donahue stated the private party will have between 15 and 22 guests. The Commission, on the motion by Commissioner Howe, second by Commissioner Donahue, voted to approve licenses for Patricia Donahue.

The Commission reviewed the application by Rotana Thou, Park Area @ Renaissance on the River, wedding reception, Saturday, August 26, 2017, 2:00 p.m. to 10:00 p.m. Rotana Thou was present. Ms. Thou stated she and her fiancé are having their wedding at the Park Area; a private caterer will serve the beer and wine to approximately 150 guests. The Commission, on the motion by Commissioner Howe, second by Commissioner Donahue, voted to approve the license for Rotana Thou.

The Commission reviewed the application by Augustine K. Twum, UTEC, 35 Warren Street, Ghana Independence Celebration 60 Years, Saturday, March 4, 2017, 9:00 p.m. to 1:00 a.m. Augustine Twum was present. Mr. Twum stated that approximately 200 guests are expected for the event. The Commission, on the motion by Commissioner Howe, second by Commissioner Krieger, voted to approve the license for Augustine Twum.

The Commission reviewed the application by Aurora Erickson, Onyx Room, Western Ave. Studios, 122 Western Ave., DIY Lowell Community Chill Night, Friday, March 3, 2017, 6:00 p.m. to 9:00 p.m. Aurora was present. Ms. Erickson stated that she expects approximately 55 people to attend. The Commission, on the motion by Commissioner Krieger, second by Commissioner Donahue, voted to approve the license for Aurora Erickson.

The Commission reviewed applications from Tabatha Garnett, Catering Manager, Aramark, Alumni Hall, 84 University Ave., Chancellor's Celebration of Music reception, Saturday, February 25, 2017, 5:00 p.m. to 9:00 p.m.; ETIC Atrium, 40 University Ave., Provost Speaker Series, Tuesday, February 28, 2017, 2:00 p.m. to 6:00 p.m.; UCC 260, 220 Pawtucket Street, Faculty Showcase & Dinner, Tuesday, March 7, 2017, 5:00 p.m. to 9:00 p.m.; and ETIC Atrium, 40 University Ave., Provost Speaker Series, Friday, April 7, 2017, 2:00 p.m. to 6:00 p.m. Nadine Somma, General Manager for Aramark at the Tsongas Center, was present for Tabatha. Ms. Somma stated that Tabatha was at a function catered by Aramark. The Commission, on the motion by Commissioner Howe, second by Commissioner Donahue, voted to approve the licenses for Tabatha Garnett of Aramark.

The Commission reviewed the application by Tech Heng Repairs, Inc., Sieu Douangvilay, President, for a Second Hand Motor Vehicles license, Class II, for premises at 47-51 Westford Street, open lot, approx. 14,040 square feet, cement block building for office and garage; area for sale and storage of not more than nine (9) vehicles on the right side of lot. Licensee in 2016: Michael T. Ing, d/b/a Tech Heng Used Cars & Repairs. Sieu Douangvilay was present. Commissioner Donahue stated the open lot needs yard work. The Commission noted the recommendation of Commissioner Donahue. The Commission, on the motion by Commissioner Krieger, second by Commissioner Howe, voted to approve the application by Tech Heng Repairs, Inc. for a license for Second Hand Motor Vehicles, Used Car Dealer, Class II, # 756-B, for premises at 47-51 Westford Street.

The Commission opened the hearing on the allegations of misconduct as charged by William M. Taylor, Superintendent of Police, dated 12-29-2016 against Gary's Tipico, Inc., d/b/a Gary's Tipico Restaurant, 26 Andover St., Bantroy De Los Santos, Manager, all alcoholic beverages restaurant licensee. The following individuals were present: Gary De Los Santos, owner of Gary's Tipico, Inc., Atty. Greg Oberhauser, legal counsel for Gary's Tipico, Inc., and Sergeant Daniel Desmarais of the Lowell Police Department. Atty. Oberhauser waived reading of Superintendent Taylor's letter to the Commission, alleging misconduct on the licensed premises of Gary's Tipico Restaurant on December

21, 2016. Attorney Oberhauser stated that Gary De Los Santos owns several restaurants, and that he was hosting a private company Christmas party; there was no loud music; he had just purchased the building; everyone was cordial when Sgt. Desmarais entered the restaurant. Atty. Oberhauser stated that a private function Mr. De Los Santos held in his Lawrence establishment was not a problem with the Lawrence License Commission. Atty. Oberhauser stated that Mr. De Los Santos apologizes for the misunderstanding. Commissioner Donahue questioned Atty. Oberhauser about Mr. De Los Santos understanding of the rules and regulations. Atty. Oberhauser stated that he reviewed the regulations with Mr. De Los Santos. Chairman Descoteaux asked Deputy Supt. Webb if there had been any problems with Gary's Tipico Restaurant. Deputy Webb stated there were no problems. Chairman Descoteaux questioned Sgt. Desmarais. Sgt. Desmarais stated that he had spent 20 minutes with Gary De Los Santos prior to the incident, and was confident [Mr. De Los Santos] would follow through. Commissioner Howe questioned the matter of the service of alcohol at a private function. Asst. Solicitor Veloso responded the service is prohibited after the legal closing time. Sgt. Desmarais stated a D.J. was at the bar playing music in answer to the question from Asst. Solicitor Veloso. Asst. Solicitor Brown questioned Sgt. Desmarais. Commissioner Krieger suggested that the Commission's guidelines need to be taken seriously, in good faith; the items [violations] in detail are cause for a two days suspension to be held in abeyance for one year. Commissioner Howe stated a delivery after hours, and there was no incident, [Mr. De Los Santos] has invested in Lowell; the Commission has responded to an incident where there was an assault with a two days suspension. Commissioner Donahue stated there was no difficulty with the licensee, a learning experience. Chairman Descoteaux asked for a second to Commissioner Krieger's motion. Chairman Descoteaux seconded the motion. Chairman Descoteaux asked for a show of hands from Commissioners who vote in favor of the motion. The following Commissioners raised their hand in favor of the motion: Chairman Descoteaux, Commissioners Krieger and Donahue. Chairman Descoteaux announced three Commissioners in favor of the motion to suspend the all alcoholic beverages restaurant license granted and issued to Gary's

Tipico, Inc. for two days, and to hold the days of suspension in abeyance for one year [February 16, 2018].

The Commission reviewed applications for special one-day license to sell/dispense malt beverages & wines only, or either one from Wendi Wilkens of Tuttobene, Lucy Larcom Park, Winterfest, Friday, February 24, 2017, 6:00 p.m. to 11:00 p.m., and Saturday, February 25, 2017, 11:00 a.m. to 11:00 p.m. Wendi Wilkens was present. The Commission, on the motion by Commissioner Krieger, second by Commissioner Donahue, voted to approve the licenses for Wendi Wilkens of Tuttobene.

The Commission reviewed the application by Coco Luna LLC, d/b/a Coffee and Cotton, James T. Lichoulas III, Manager Member, for a malt beverages and wines only restaurant license for premises at 250 Jackson Street, unit # 434. It is requested that James T. Lichoulas III be approved as manager of record for Coco Luna LLC. Coco Luna LLC has filed application for license for entertainment in a licensed restaurant for live music, disc jockey, and juke box. The Commission, on the motion by Commissioner Krieger, second by Commissioner Howe, voted to hold a public hearing on the application by Coco Luna, Inc. for Thursday, March 9, 2017 at 6:00 p.m. in the City Council Chamber. The Commission ordered that a legal notice be published in the Lowell Sun newspaper on February 24, 2017; abutters to the premises at 250 Jackson Street are to be notified by the applicant in accordance with M.G.L. chapter 138, s. 15A, so voted.

The Commission discussed the Notice of Appeal of Decision of Lowell License Commission of the written decision of License Commission dated February 3, 2017. Atty. John J. Hartigan filed a request for hearing on February 7, 2017 with the Alcoholic Beverages Control Commission regarding The Middle Street Village, Inc. The decision is for a two (2) day suspension effective February 9, 2017. Atty. Hartigan requested a “stay” of suspension with Law Department via telephone communication on February 7, 2017 pending ABCC hearing and decision on appeal. The Commission, on the motion by Commissioner Krieger, second by Commissioner Howe, voted to ratify said “stay;” furthermore, to “stay” decision of disciplinary action when a request for hearing on an appeal of said decision is filed

within the prescribed time of five (5) days upon receipt of written notification in accordance with M.G.L. c. 138, s. 67.

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

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

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