

Minutes for the Lowell License Commission meeting for Thursday, April 11, 2019 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 Terry McCarthy, Martha Howe, and Joseph Donahue; Assistant City Solicitor John R. Hucksam, and Captain James Hodgdon of the Lowell Police Department.

Absent: Commissioner Clifford Krieger

The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to approve the meeting minutes for March 28, 2019.

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

Jennifer Simone, Mill No. 5, 250 Jackson St., 4th and 5th floors, for the following events:

Digs, Saturday, April 13, 2019, 12:00 p.m. to 4:00 p.m.

That Hole Thing, Saturday, April 20, 2019, 12:00 p.m. to 4:00 p.m.

Mammoth Makers Market, Saturday, April 27, 2019, 12:00 p.m. to 4:00 p.m.

Oddity Marketplace, Saturday, May 4, 2019, 12:00 p.m. to 4:00 p.m.

Mother's Day Marketplace, Saturday, May 11, 2019, 12:00 p.m. to 4:00 p.m.

The Nerd, Saturday, May 18, 2019, 12:00 p.m. to 4:00 p.m.

Mammoth Makers Market, Saturday, May 25, 2019, 12:00 p.m. to 4:00 p.m.

Jennifer Simone was present. The Commission, on the motion by Commissioner Howe, second by Commissioner Donahue, voted to approve licenses for Jennifer Simone events at Mill No. 5.

The Commission reviewed the applications by Ashley Roper, who was present, Catering Manager, Aramark, for the following events:

at University Crossing, 220 Pawtucket St., LLC Celebration (Living-Learning Communities), Monday, April 22, 2019, 3:00 p.m. to 8:00 p.m.;

at University Crossing, 220 Pawtucket St., Difference Maker Idea Challenge, Wednesday, April 24, 2019, 4:00 p.m. to 10:00 p.m.;

at the ETIC Saab Building, 40 University Ave., Engineering Recruit Dinner, Wednesday, April 24, 2019, 4:00 p.m. to 8:00 p.m.;

at the Allen House, 2 Solomont Way, Associate Deans Council Gathering, Tuesday, May 7, 2019, 2:00 p.m. to 7:00 p.m.

The Commission, on the motion by Commissioner Donahue, second by Commissioner Howe, voted to approve licenses for Ashley Roper for UMass-Lowell events.

The Commission reviewed the applications by Constantine Tsioulis of Transfiguration Greek Orthodox Church, 25 Fr. John Sarantos Way, Greek Festival '19, Friday, May 31, 2019, 11:00 a.m. to 10:00 p.m., and Saturday, June 1, 2019, 11:00 a.m. to 11:00 p.m. Mr. Tsioulis was present. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Donahue, voted to approve licenses for Constantine Tsioulis for the Greek Festival '19.

The Commission reviewed the application for special license to sell/dispense all alcoholic beverages from Penny Hamel of Westford Rotary Charitable Endowment, Inc., at JFK Plaza, Arcand Drive, 18th Annual Blues and Brews Festival, Saturday, September 7, 2019, 2:00 p.m. to 8:00 p.m. Penny Hamel was present. Ms. Hamel stated that due to an interest to offer for sale a limited number of beverages containing mixed alcohol ingredients, the distributor recommended that the Westford Rotary apply for all alcoholic beverages license. Captain Hodgdon stated that Lowell Police have no issue with the event. The Commission, on the motion by Commissioner Howe, second by Commissioner McCarthy, voted to approve the license for Penny Hamel for the Blues and Brews Festival.

The Commission reviewed applications for special events permit for the amplification of sound from the following individuals:

Constantine Tsioulis of Transfiguration Greek Orthodox Church, for the Greek Festival '19, Friday, May 31, 2019, 11:00 a.m. to 10:00 p.m., and Saturday, June 1, 2019, 11:00 a.m. to 11:00 p.m., sound system on the church grounds, 25 Fr. John Sarantos Way;

Penny Hamel (present) of the Westford Rotary Charitable Foundation, Inc., sound system for live music, 18th Annual Blues and Brews Festival, Saturday, September 7, 2019, 2:00 p.m. to 8:00 p.m., at JFK Plaza;

Faimatta Menyongai (present) of Christ Jubilee International Ministry, for the Church 20th Anniversary Celebration Parade, Saturday, April 27, 2019, 10:00 a.m. to 11:30 a.m., portable sound system for music, singing, parade route Smith to Liberty to Chelmsford to Westford back to Smith St.;

Franswa Chevalier (present), Salsa-in Lowell, Salsa Class and practice open to public, sound system for recorded music, Thursday May 9, 16, 23, 30, June 6, 13, 20, 27 - 2019, 6:30 p.m. to 9:00 p.m., at Boarding House Park, 40 French St.

The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to approve amplification permits for Greek Festival '19 May 31 and June 1, 2019, Blues and Brews Festival September 7, 2019, Church 20th Anniversary Celebration Parade April 27, 2019, and Salsa-in Lowell classes May and June 2019.

The Commission opened the hearing continued from March 28, 2019 on the allegations of misconduct as charged by Raymond Kelly Richardson, Superintendent of Police, dated February 20, 2019, against The Last Safe, Inc., d/b/a The Last Safe & Deposit, 160 Merrimack St., Timothy Regan, Manager. The following individuals were present: Timothy Kelleher, Alan F. Kaplan, Shane Welch, and Attorney John J. Hartigan, legal counsel for The Last Safe, Inc., Lieutenant David Peaslee, Sergeant Raymond Cormier, and Detective Corey Erickson of the Lowell Police Department. Captain Hodgdon read the Superintendent of Police letter of violations dated February 20, 2019, noting a correction, to wit, the sequence of 911 calls made to the Lowell Police Department. Lt. Peaslee answered questions from Captain Hodgdon as to the police response to 911 calls from patrons of The Last Safe. Lt. Peaslee stated he had two patrol officers in his charge the morning of February 10th. Lt. Peaslee stated that police discovered upon their arrival that an altercation on the premises resulted in a patron losing possession of a .45 caliber hand gun. A bartender received a verbal insult by a patron, the bartender requested bouncers have the patron leave the premises, a "friend of the patron" initiated shove of one of the bouncers, which

then led to an escalation of shoving, and punches thrown. One of the patrons, though not consuming alcohol beverages, was standing at the bar; he unexpectedly was pushed, causing him to lose possession of a hand-gun that was held in a holster, attached to the belt he wore around the waist. Sergeant Cormier was questioned by Captain Hodgdon; he stated that he was responding to call for back-up police in the downtown area, directing officers to be available for pedestrians in the area as the search for a lost firearm was underway. Detective Erickson, in response to Captain Hodgdon, Chairman Descoteaux, and Commissioner Howe, stated that he did a follow-up investigation by interviewing three (3) bartenders, three (3) bouncers of The Last Safe, and the owner of the lost .45 caliber hand gun. Shane Welch, a bouncer of The Last Safe answered questions from Chairman Descoteaux and Commissioner McCarthy. Attorney Hartigan stated that the licensee could not foresee the incident. Chairman Descoteaux agreed, and stated there was no manager there, no one in charge to place a call to the Lowell Police Department. Commissioner Donahue asked who should be in charge to call the Lowell Police. Attorney Hartigan stated there was the 911 call by a patron to get a jacket. Commissioner McCarthy stated there was a lack of supervision. Chairman Descoteaux questioned why the establishment would allow a patron remain on the premises in possession of a hand gun. Commissioner Howe questioned Attorney Hartigan about the first and second calls by patrons. Chairman Descoteaux questioned Asst. Solicitor Hucksam about the License Commission regulation 1.20. Chairman Descoteaux stated the call was not made by an employee of the licensee; there are no cameras, no surveillance on the premises. Chairman Descoteaux made the motion to place on file the allegation that the licensee was in violation of 204 CMR 2.05 (2) on February 10, 2019. Chairman Descoteaux, based upon Lowell police testimony, and evidence submitted of audio transmissions and the C.A.D. [Computer Aided Dispatch] record, and the testimony of The Last Safe employee, Shane Welch, The Last Safe was in violation of License Commission regulation 1.20 – Illegal Activities on February 10, 2019. The Commission duly noted that the manager of record, Timothy Regan, was not on the licensed premises February 10, 2019. There was no employee of The Last Safe who called the Lowell Police on February 10, 2019. Commissioner McCarthy seconded the motion. Chairman Descoteaux called for a roll-call vote: Ayes – Chairman Descoteaux, Commissioner McCarthy,

Commissioner Howe, and Commissioner Donahue. The Commission voted to suspend the Licensee's alcoholic beverages restaurant license for two (2) days to be served effective 8:00 a.m., Thursday, April 25, 2019. The two (2) days suspension to be served are two (2) of the four (4) days suspension that had been held in abeyance by the Commission on March 28, 2019. There is two (2) days suspension to remain in abeyance until March 28, 2020. The Licensee is to surrender the all alcoholic beverages license by 9:00 a.m. on Thursday, April 25, 2019 to the Lowell Police Department, Attention: Captain James Hodgdon. The Commission unanimously voted to invoke License Commission regulation 3.01 Special Conditions, to wit, mandate video cameras installed in the establishment. The Licensee is required to install surveillance cameras on the licensed premises in four (4) weeks from April 11, 2019.

The Commission, on the motion by Commissioner McCarthy, second by Commissioner Donahue, voted to adjourn the meeting at 7:08 p.m.

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

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