

1 Minutes for the Lowell License Commission meeting for Thursday, May 26, 2016 at 6:30 p.m., held in  
2 the Council Chamber, 2nd floor, City Hall, 375 Merrimack St., Lowell, MA 01852.

3 Present: John Descoteaux, Commissioner, Chairman, Commissioners Cliff Krieger, Nancy McGovern,  
4 and Terry McCarthy; and Deputy Superintendent Jack Webb of the Lowell Police Department, and  
5 Assistant City Solicitor Elliott Veloso.

6 Absent: Commissioner Kristen Hogan.

7 The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to  
8 approve minutes for meeting May 12, 2016 with an amendment on page 2, to wit: The Commission did  
9 not act upon the applications by Jose M. Santos of Holy Ghost Society for special event permits due to his  
10 absence at the meeting.

11 The Commission reviewed the applications for special one-day license to dispense wines only from Jim  
12 Dymant, Executive Director, The Brush Art Gallery & Studios, at 256 Market Street. Jim Dymant was  
13 present.

14 Studio Artist "Elemental" exhibit public reception, Thursday, June 23, 2016, 5:00 p.m. to 7:00 p.m.;

15 "Elemental" exhibit - Studio Artist Talk, Saturday, July 16, 2016, 1:00 p.m. to 3:00 p.m.;

16 "History of the Brush Retrospective" exhibit reception, Saturday, October 1, 2016, 2:00 p.m. to 4:00 p.m.;

17 Closing Jazz Reception "History of the Brush Retrospective" exhibit, Friday, November 4, 2016, 7:00  
18 p.m. to 9:00 p.m.

19 The Commission voted to approve the licenses for Jim Dymant, Executive Director, The Brush Art  
20 Gallery & Studios, on the motion by Commissioner McCarthy, second by Commissioner Krieger.

21 The Commission reviewed the applications for special one-day licenses to sell/dispense malt beverages &  
22 wines only, or either one from the following individuals:

23 George S. Zaharoolis, President of the Holy Trinity Hellenic Orthodox Church, enclosed outdoor area on  
24 Worthen Street adjacent to Hellenic American Academy, 41 Broadway:

25 Greek Festival, Friday, June 24, 2016, 5:00 p.m. to 11:00 p.m.

26 Greek Festival, Saturday, June 25, 2016, 12:00 p.m. to 11:00 p.m.

1 Greek Festival, Sunday, June 26, 2016, 12:00 p.m. to 6:00 p.m.  
2 George S. Zaharoolis was present.  
3 Kevin Camvan of Wat Lao Mixayaram, temple grounds at 45 Bernier Street:  
4 Fundraiser, Saturday, July 2, 2016, 12:00 p.m. to 8:00 p.m.  
5 Fundraiser, Sunday, July 3, 2016, 12:00 p.m. to 8:00 p.m.  
6 Kevin Camvan was present.  
7 Kelly Fox of Greater Lowell Road Runners, Shedd Park Pavilion, Greater Lowell Road Runners Summer  
8 Family Outing, Sunday, July 31, 2016, 11:00 a.m. to 6:00 p.m. Kelly Fox was present.  
9 Tabatha Garnett, Catering Manager, Aramark, Bellegarde Boathouse, 500 Pawtucket Blvd., Division of  
10 Student Affairs Reception, Wednesday, June 1, 2016, 3:00 p.m. to 7:00 p.m. Tabatha Garnett was present.  
11 The Commission reviewed for ratification the issuance on May 24, 2016 of a special one-day license to  
12 sell/dispense malt beverages & wines only, or either one, issued to Tabatha Garnett, Catering Manager,  
13 Aramark, for the event at the Allen House Gallery, 2 Solomont Way, Retirement party for Jacqueline  
14 Dowling, Tuesday, May 24, 2016, 3:00 p.m. to 7:30 p.m., license # 56SP2016.  
15 The Commission voted to approve the licenses for George S. Zaharoolis, Kevin Camvan, Kelly Fox,  
16 Tabatha Garnett, and for the ratification of license issued to Tabatha Garnett on the motion by  
17 Commissioner Krieger, second by Commissioner McCarthy.  
18 The Commission reviewed for ratification the issuance on May 13, 2016 of two special event permits for  
19 amplification of sound for outdoor public entertainment to Jose M. Santos of Holy Ghost Society, outdoor  
20 grounds at Holy Ghost Park, 65 Village Street, sound system for band, Holy Trinity Feast, Saturday, May  
21 21, 2016, 12:00 p.m. to 12:00 a.m., and Sunday, May 22, 2016, 1:00 p.m. to 10:00 p.m. Jose M. Santos  
22 was present. The Commission, on the motion by Commissioner McCarthy, second by Commissioner  
23 Krieger, voted to ratify the issuance of the two special event permits to Jose M. Santos of Holy Ghost  
24 Society.  
25 The Commission reviewed the applications for special event permits for amplification of sound for  
26 outdoor public entertainment from the following individuals:

1 George S. Zaharoolis, Holy Trinity Hellenic Orthodox Church, sound system for live music, d. j., Greek  
2 Festival, an enclosed outdoor area on Worthen St. adjacent to Hellenic American Academy, 41  
3 Broadway:  
4 Friday, June 24, 2016, 5:00 p.m. to 11:00 p.m.  
5 Saturday, June 25, 2016, 12:00 p.m. to 11:00 p.m.  
6 Sunday, June 26, 2016, 12:00 p.m. to 6:00 p.m.  
7 George S. Zaharoolis was present.

8 Kevin Camvan, Wat Lao Mixayaram of New England, sound system for band, for temple fundraiser,  
9 fence enclosed grounds of temple, 45 Bernier Street:  
10 Saturday, July 2, 2016, 12:00 p.m. to 8:00 p.m.  
11 Sunday, July 3, 2016, 12:00 p.m. to 8:00 p.m.  
12 Kevin Camvan was present.

13 Jose M. Santos, Holy Ghost Society, sound system for band and/or disc jockey, outdoor amplification,  
14 May, June, July, August, September - 2016, Sunday to Wednesday - 10 a.m. to 10 p.m.; Thursday to  
15 Saturday - 10 a.m. to 12 a.m., outdoor grounds at Holy Ghost Park, 65 Village St.  
16 Jose M. Santos was present.

17 John Marciano, National Park Service, live music, sound system, for the Lowell Summer Music Series,  
18 and Free Fun For Kids, June, July, August, September - 2016, Wednesday 10 a.m. to 10 p.m.; Thursday,  
19 Friday, Saturday 10 a.m. to 12 a.m., at Boarding House Park, French & John Streets.  
20 John Marciano was present.

21 John Marciano, Lowell Festival Foundation, live music, sound system, for the Lowell Folk Festival,  
22 Friday, July 29, Saturday, July 30, Sunday, July 31 - 2016, Boarding House Park, French & John Sts. /  
23 JFK Plaza, City Hall, Arcand Dr. / St. Anne's Churchyard, 8 Kirk St. / Dutton Street Dance Pavilion at  
24 NPS parking lot /, Market Street Stage, 246 Market St. / Lee Street Stage @ Lee & John Sts./ The Street  
25 Performance Area @ John & Merrimack Sts./ The Family Area at Mack Plaza.

1 Robin E. Dupell, ATP Restaurant Inc., sound system for band and/or disc jockey, for the Lowell Folk  
2 Festival, Friday, July 29, Saturday, July 30, Sunday, July 31 - 2016, enclosed outdoor area in front of 91  
3 Dutton St.

4 Robin Dupell was present.

5 Kerrie D'Entremont, Exec. Director, Greater Lowell Health Alliance, d.j. and individual performers,  
6 Greater Lowell Pride Family Picnic, Sunday, June 26, 2016, 12:00 p.m. to 3:00 p.m., at Boarding House  
7 Park, French & John Streets.

8 Kerrie D'Entremont was present.

9 Chairman Descoteaux asked Deputy Superintendent Webb if he wished to comment about sound  
10 amplification issues at Holy Ghost Park. Deputy Supt. Webb stated that in 2015 there were two instances  
11 when amplification had been an issue at Holy Ghost Park. Jose Santos stated that the Holy Ghost Society  
12 complied with Lowell Police when notified of the issues.

13 The Commission, on the motion by Commissioner McCarthy, second by Commissioner Krieger, voted to  
14 approve the special event permits for amplification of sound for George S. Zaharoolis, Holy Trinity  
15 Hellenic Orthodox Church; Kevin Camvan, Wat Lao Mixayaram of New England; Jose M. Santos, Holy  
16 Ghost Society; John Marciano, National Park Service, Lowell Festival Foundation; Robin E. Dupell, ATP  
17 Restaurant, Inc.; Kerrie D'Entremont, Greater Lowell Health Alliance.

18 The Commission opened the hearing for DCGR, Inc., d/b/a D & G All Star Lounge, David Cruz,  
19 Manager, all alcoholic beverages restaurant license at 177 Merrimack St., on the allegation of misconduct  
20 on April 17, 2016 as charged by William M. Taylor, Superintendent of Police, for violation of MGL  
21 chapter 138, section 63A, Hindering an Agent of the Licensing Authority, and Lowell License  
22 Commission Regulation 1.14 Access to Premises by Police and Agents. The following individuals were  
23 present: David Cruz, manager of record for DCGR, Inc., Felix Baez, an All Star Lounge employee,  
24 Attorney Michael Zaim, legal counsel for DCGR, Inc., and Sergeant Stephen Morrill of the Lowell Police  
25 Department. Attorney Zaim addressed the Commission stating that the All Star Lounge employee had  
26 been keeping people from coming in; there is no question about the police report; apologized on behalf of

1 the manager for the incident. Chairman Descoteaux spoke to Mr. Baez. Mr. Baez stated that the  
2 altercation in the lounge happened so fast, and after the incident tried not to let anyone back in. Sergeant  
3 Morrill addressed the Commission. Sergeant Morrill stated that he happened to be on the corner across  
4 the street; he was in full uniform; the owner apologized. Commissioner McCarthy questioned Mr. Cruz  
5 about the closing time. Mr. Cruz stated that he closes at 2:00 a.m., by 1:45 a.m. the bar is closed,  
6 Thursday to Sunday. Chairman Descoteaux questioned Mr. Baez if he told Sergeant Morrill on April 17,  
7 2016 that “we take care of our own stuff inside,” in denying Sergeant Morrill entry into the lounge. Mr.  
8 Baez stated that another police officer came to the door, and that he tried to explain the [situation] to the  
9 police officer. Mr. Baez denied that he said to Sergeant Morrill “we take care of our own stuff inside.”  
10 Sergeant Morrill, when questioned by Chairman Descoteaux, stated that there were four police officers;  
11 officers were told the “person” was not inside the bar. Attorney Zaim stated there was a little confusion at  
12 the time. Commissioner Krieger spoke to Attorney Zaim; Attorney Zaim response there is no reason to  
13 disbelieve [police]. Commissioner Krieger stated that Mr. Cruz was prompt to [file] an incident report; we  
14 [Commission] need to take some action, noting a previous decision of a one day suspension, held in  
15 abeyance for one year [to 5-21-2016]. Chairman Descoteaux stated that the two stories are not close; Mr.  
16 Baez did not handle the situation the right way. Attorney Zaim stated that [Mr. Baez] made a mistake.  
17 Chairman Descoteaux stated that the problem is that [Mr. Baez] states that he didn’t say that . . . Attorney  
18 Zaim stated it won’t happen again. Chairman Descoteaux stated that the [manager] has done a good job  
19 with the establishment; [complaint] is a severe infraction. Attorney Zaim stated that [Mr. Cruz]  
20 apologized for it. Chairman Descoteaux questioned Sergeant Morrill, who stated he had no complaint.  
21 Deputy Supt. Webb stated it was a minor incident afterwards. Commissioner Krieger advised the manager  
22 to have refresher training; easy to forget training fundamentals. Mr. Cruz stated he will have refresher  
23 training [for his employees]. Attorney Zaim stated employees will need to sign off [after training].  
24 Chairman Descoteaux stated his main concern is people safety first. At the hearing’s conclusion,  
25 Commissioner Krieger made the motion, second by Commissioner McCarthy, to suspend the all alcoholic

1 beverages restaurant license for two (2) days, and to hold said suspension in abeyance for one (1) year  
2 [May 26, 2017], so voted.

3 The Commission opened the public hearing on the application for alteration of licensed premises for all  
4 alcoholic beverages package store licensee A.S.D.K. Ram Corporation, d/b/a Ramos Package Store,  
5 Sanjay Patel, Manager, for premises at 77 Branch St. The legal notice was published in Lowell Sun on  
6 Friday, May 13, 2016, abutters were to be notified. In addition, A.S.D.K. Ran Corporation filed request  
7 for pledge of license to Rockland Trust. The following individuals were present: Sanjay Patel, and  
8 Attorney Gregory Demarkis, legal counsel for A.S.D.K. Ram Corporation. Attorney Demarkis addressed  
9 the Commission, explaining that the new building will be constructed in a smaller footprint than was  
10 originally planned because of cost; the pledge of license is for a structural loan from Rockland Trust.  
11 There was no present to speak either in favor or against the application. There was a discussion with the  
12 Commission, Attorney Demakis, Assistant Solicitor Veloso, and the Executive Secretary about the  
13 License Commission regulation 1.09 Corporate Transactions and Change of Managers which states, in  
14 part, the License Commission disapproves all requests to pledge any license it issues as collateral for any  
15 loan. At the conclusion of the hearing, the Commission, on the motion by McCarthy, second by  
16 Commissioner McGovern, voted to approve the application for alteration of premises by A.S.D.K. Ram  
17 Corporation for premises at 77 Branch Street. The Commission placed on file the request for pledge of  
18 license by A.S.D.K. Ram Corporation.

19 The Commission reviewed the application by BS Collaborative, Inc., d/b/a Delish Restaurant & Bar, Yi  
20 Wang Zhuo, President, for an all alcoholic beverages restaurant license for premises at 61 Merrimack  
21 Street. The Commission, on the motion by Commissioner McGovern, second by Commissioner  
22 McCarthy, voted to ratify the publication of the legal notice for Friday, May 27, 2016, and to hold public  
23 hearing on June 9, 2016.

24 The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to  
25 defer to a later date the matter of the License Commission vote on whether to enter into executive session  
26 to comply with, or act under the authority of, MGL Chapter 30A, Section 22, in light of motion by

- 1 Commissioner Krieger to review License Commission executive session minutes for executive sessions
- 2 of May 8, 2014, May 15, 2014, and December 4, 2014.
- 3 The Commission voted to adjourn the meeting at 7:15 p.m. on a motion by Commissioner Krieger,
- 4 second by Commissioner McCarthy.
- 5 Respectfully submitted by Ryan Wynn, Executive Secretary, present at meeting.