

Minutes for the Lowell License Commission meeting for Thursday, June 6, 2019 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 Clifford Krieger, Terry McCarthy, Martha Howe, and Joseph Donahue; Lieutenant James Fay of the Lowell Police Department.

The Commission agreed to delay a review of the meeting minutes for May 23, 2019 per request of the Executive Secretary until the next meeting to be scheduled.

The Commission reviewed the application for special one-day license to sell/dispense all alcoholic beverages by Yun-Ju Choi, Executive Director, Coalition for a Better Acre, Ayer Mansion, 357 Pawtucket St., 6 Degrees of the Acre Fundraiser, Thursday, June 27, 2019, 6:00 p.m. to 9:00 p.m. Yun-Ju Choi was present. The Commission, on the motion by Commissioner Krieger, second by Commissioner Howe, voted to approve the license for all alcohol beverages for Yun-Ju Choi of the Coalition for a Better Acre fundraiser June 27, 2019.

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

Ashley Roper, Catering Manager, Aramark, Alumni Hall, 84 University Ave., Summer Biotech, Friday, June 7, 2019, 5:00 p.m. to 9:00 p.m. Ashley Roper was present.

Marta Rodrigues of the Portuguese American Lowell Youth Center, St. Anthony's Parish parking lot, 893 Central St., St. John Baptist Feast (Festa de Sao Joao), Saturday, June 22, 2019, 5:00 p.m. to 12:00 a.m.

Marta Rodrigues of the Portuguese American Lowell Youth Center, St. Anthony's Parish parking lot, 893 Central St., St. John Baptist Feast (Festa de Sao Joao), Sunday, June 23, 2019, 12:30 p.m. to 10:00 p.m.

Marta Rodrigues was present. The Commission, on the motion by Commissioner Howe, second by Commissioner McCarthy, voted to approve license for malt beverages and wines for Ashley Roper of Aramark for June 7, 2019, and licenses for Marta Rodrigues of the Portuguese American Lowell Youth Center for June 22, and June 23, 2019.

The Commission reviewed the applications for special events permit for the amplification of sound.

Yun-Ju Choi of the Coalition for a Better Acre requested to withdraw the application for sound system for the 6 Degrees of the Acre Fundraiser, Thursday, June 27, 2019, 6:00 p.m. to 9:00 p.m., Ayer Mansion, 357 Pawtucket St. The Commission, on the motion by Commissioner Donahue, second by Commissioner Krieger, voted to accept the request without prejudice.

Roberto Dei, City of Lowell Cultural Affairs & Special Events, Music, Live! @Kerouac Park, June 20, 27, July 11, 18, August 1, 8 - 2019, 5:30 p.m. to 9:00 p.m., Kerouac Park, Bridge St. Roberto Dei was present. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Donahue, approved the amplification permit for music at Kerouac Park, June 20, 27, July 11, 18, August 1, 8 – 2019, 5:30 p.m. to 9:00 p.m., each date.

Marta Rodrigues, Portuguese American Lowell Youth Center, Live music/DJ, St. John Baptist Feast (Festa de Sao Joao), Saturday, June 22, 4:30 p.m. to 12:00 a.m., Sunday, June 23, 2019, 12:30 p.m. to 10:00 p.m., at St. Anthony Church parking lot, 893 Central St. Marta Rodrigues was present. The Commission, on the motion by Commissioner Howe, second by Commissioner McCarthy, voted to approve the amplification permit for St. Anthony Church parking lot June 22, and June 23, 2019.

John Marciano of National Park Service, for live music, sound system, for the Lowell Summer Music Series, and Free Fun For Kids, during the months of June, July, August - 2019, at Boarding House Park, French & John Streets, per Code of Lowell, Ch. 204 Noise. John Marciano was present. The Commission, on the motion by Commissioner Donahue, second by Commissioner Howe, voted to approve the amplification permit for Lowell Summer Music Series and Free Fun for Kids, June, July, and August 2019.

John Marciano for the Lowell National Historical Park & City of Lowell, Traditional Music & Dance, for the Lowell Folk Festival, Thursday, July 25 through Sunday, July 28, 2019, at the following venues Boarding House Park, French & John Sts. / JFK Plaza, City Hall, Arcand Dr. / St. Anne's Churchyard, 8

Kirk St. / Dutton Street Dance Pavilion at NPS parking lot /, Market Street Stage, 246 Market St. / Street Performance Area @ John & Merrimack Sts. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Krieger, voted to approve the amplification permit for the Lowell Folk Festival venues July 25 thru July 28, 2019.

The Commission reviewed the Sidewalk Stand applications filed by the following retail business owners: I Happy Event Décor Incorporation, Nadia DeLima, President, 66 Merrimack Street, Seasonal April to October 2019. Nadia DeLima was present.

Yodelqui Bone, d/b/a Emanuel Boutique, 68 Merrimack Street, Seasonal April to October 2019. Yodelqui Bone was present. The Commission, on the motion by Commissioner Howe, second by Commissioner Donahue, voted to approve Sidewalk Stand permits for I Happy Event Décor Incorporation and Yodelqui Bone for the season April to October 2019.

The Commission reviewed the application for special one-day license to sell/dispense malt beverages and wines only, or either one by Kaitlin Stoll of Budget Buddies, Inc., UTEC, 35 Warren Street, Budget Buddies Ten-Year Tribute, Tuesday, June 18, 2019, 5:30 p.m. to 9:00 p.m. Kaitlin Stoll was present. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Donahue, voted to approve the license for malt beverages and wines only for Kaitlin Stoll of Budget Buddies, Inc. at UTEC, 35 Warren St. June 18, 2019.

The Commission reviewed the application by The Sporting and Athletic Club of Lowell, Inc., all alcohol beverages club licensee at 525 Market St., for change of manager to Juan P. Acevedo of Lowell, MA, and change of club officers and directors. Juan P. Acevedo and Attorney Gregory T. Curtis, legal counsel for The Sporting and Athletic Club of Lowell, Inc. were present. Attorney Curtis addressed the Commission, stating that Mr. Acevedo had been an employee of Market Basket for ten (10) years. Mr. Acevedo has taken the TIPS course for servers, and would like to manage The Sporting and Athletic Club, while also serving as a club officer and a director. Chairman Descoteaux discussed with Mr. Acevedo and Attorney

Curtis Mr. Acevedo's background and qualifications as a manager of record. The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to approve the application for change of manager and for change of officers and directors for The Sporting and Athletic Club of Lowell, Inc.

The Commission reviewed the application by LP Auto Center, Inc., Celso Lopez, President, for a Second Hand Motor Vehicles license, Class II, used car Dealer, for premises at 493 Princeton Blvd., an open lot approximately 900 square feet at corner of Lauriat Street, and office area inside garage. In 2018, the used car Dealer licensee was Coelho Fuel Inc. The following individuals were present: Celso Lopez and Attorney Francisco Rosa of Lowell, legal counsel for LP Auto Center, Inc. Attorney Rosa addressed the Commission, stating that Mr. Lopez is requesting a used car Dealer's license for five (5) vehicles. Chairman Descoteaux questioned the manner in which the property has been maintained. Attorney Rosa stated that Mr. Lopez will repave the front entrance, but the back lot may need to remain water permeable to minimize flooding. Mr. Lopez primary work is motor vehicles repair. Commissioner Howe questioned the use of the lot for the storage of towed vehicles. Attorney Rosa stated the vehicles are privately owned. Commissioner Howe stated that from her site inspection, she saw junk vehicles which per License Commission regulation, the lot is to be free of junk vehicles. Commissioner Howe stated that in January 2019 that Mr. Lopez and you were before the Commission regarding the discussion of Coelho Fuel Inc. Chairman Descoteaux and Commissioner Howe stated that the licensee is to maintain a clean lot. Chairman Descoteaux recognized Edward Bud Caulfield; resident of 585 Princeton Blvd. Mr. Caulfield expressed the sentiment of many residents in the neighborhood that since the ownership changed from Marchand Oil Company to Coelho Fuel Inc. and now to Mr. Lopez, it is not a problem to sell five (5) cars but the issues of storing a tractor against the fence, junk vehicles sitting on the lot for five (5) years. Ms. Cavanaugh, a resident of the Princeton Blvd. neighborhood, also stated her displeasure with the storage of vehicles that are junks. Commissioner McCarthy stated his concern about the storage of junk vehicles.

Commissioner Krieger asked about the records for repair of vehicles. At the conclusion of discussion, Commissioner Krieger made the motion to continue the discussion for one (1) month. Chairman Descoteaux recommended eight (8) weeks continuance to allow ample time for Mr. Lopez to clean the lot that will be acceptable. Commissioner McCarthy made the motion for eight (8) weeks continuance, second by Commissioner Howe, so voted. Chairman Descoteaux stated to Mr. Lopez and Attorney Rosa that the Commission has continued the review of the application to August 8, 2019.

The Commission reviewed the application by Triumph Auto Sales, Inc., Marcio Marinelo, President, for a Second Hand Motor Vehicles license, Class II, used car Dealer, for premises at 47 Aiken Avenue and 30 Dalton Street, an open lot 10, 328 square feet of land and cement block building with office area of 80 square feet. The current licensee for 2019 is Smith Kids, LLC, Philip Smith, LLC Manager. The following individuals were present: Marcio Marinelo, and Attorney Brian Akashian, legal counsel for Triumph Auto Sales, Inc. Attorney Akashian addressed the Commission, stating that Mr. Marinelo has a lease agreement with the property owner to sell and store vehicles, approximately twenty (20) vehicles for sale and storage. Mr. Marinelo has a 3-years lease with option for additional 3-years. Attorney Akashian stated debris had been removed from the lot per order of Development Services. There is a surety bond for Triumph Auto Sales, Inc. Phil Smith of Smith Kids, LLC will surrender the Class II license subject to License Commission action on the application by Triumph Auto Sales. Mr. Marinelo will not operate a repair service or use the bays formerly called Chappy's Garage, which is a separate entity. Commissioner Donahue noted the open lot with office space, no repairs, and storage of 18-20 motor vehicles for sale. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Krieger, voted to grant a Second Hand Motor Vehicles: Class II, used car Dealer license [768-B] to Triumph Auto Sales, Inc., Marcio Marinelo, President, for premises at 47 Aiken Avenue and 30 Dalton Street, an open lot 10, 328 square feet of land and cement block building with office area of 80 square feet for the calendar

year 2019, expiration January 1, 2020. The Commission voted to cancel the Class II license for Smith Kids, LLC, Philip Smith, LLC Manager, license # 749-B.

The Commission reviewed the application by The High Line Group, Inc., Charles Fotopoulos, President, for a Second Hand Motor Vehicles license, Class II, used car Dealer, for premises at 639 Rogers Street, an open lot approximately 70 feet by 125 feet with office trailer 12 ft. by 40 ft. The current licensee for 2019 is Commonwealth Auto Sales Corp., Davi L. Borba, President. The following individuals were present: Charles Fotopoulos, Attorney Douglas Hausler, legal counsel for The High Line Group, Inc., Davi Borba of Commonwealth Auto Sales, and Richard Daggett. Attorney Hausler addressed the Commission, stated that Charles Fotopoulos has entered into a purchase and sales with the property owner to purchase the land with office trailer. Attorney Hausler stated that Commonwealth Auto Sales has no right to be at the property. Chairman Descoteaux recognized Davi Borba. Mr. Borba requested he be allowed to keep the used car Dealer license until December 2019. Chairman Descoteaux asked Mr. Borba about a lease. Mr. Borba stated he has no lease, and was told he would have to vacate the lot in May 2019. Richard Daggett addressed the Commission. Mr. Daggett stated he had leased the property from Jon Gbur, owner of Jiffy Lube, in 2005, who sold the property in 2017 to Michael and Elaine Berbirian. The Commission, on the motion by Commissioner Howe, second by Commissioner Krieger, voted by roll-call to grant the Second Hand Motor Vehicles license, Class II, used car Dealer to The High Line Group, Inc., Charles Fotopoulos, President, for premises at 639 Rogers Street; delay the cancellation of said license granted and issued to Commonwealth Auto Sales Corp., Davi L. Borba, President, for license year to expire January 1, 2020 pending review by the City Solicitor; vote: Chairman Descoteaux-yes, Commissioner Krieger-yes, Commissioner McCarthy-yes, Commissioner Howe-yes, Commissioner Donahue-no. Attorney Hausler stated his objection to the action taken by the Commission, arguing that it is interfering with the property rights of the owner to sell the open lot to Charles Fotopoulos. Attorney Hausler stated that the property owner has a desire to sell the property to Mr. Fotopoulos pending Mr.

Fotopoulos receiving approval of his application for a license. There will be two licensees at the same location. Commissioner Donahue stated that Mr. Fotopoulos has an absolute right, and because of liability issue(s), it is my reason for voting no. Commissioner Krieger made the motion to defer to the next meeting. Attorney Hausler stated his objection to defer the matter because it is interfering with Mr. Fotopoulos right to buy the property. Attorney Hausler requested Commission reconsideration of the vote to grant said license, and allow Commonwealth Auto Sales retain license pending City Solicitor review. Chairman Descoteaux requested a motion for reconsideration. The Commission, on the motion by Commissioner Krieger, second by Commissioner Donahue, voted by roll-call to reconsider vote to grant The High Line Group, Inc. said license, and delay cancellation of Commonwealth Auto Sales license; vote: Chairman Descoteaux-yes, Commissioner Krieger-no, Commissioner McCarthy-yes, Commissioner Howe-yes, Commissioner Donahue-yes. The Commission, on the motion by Chairman Descoteaux, second by Commissioner Donahue, voted unanimously to grant the Second Hand Motor Vehicles license, Class II, used car Dealer [767-B] to The High Line Group, Inc., Charles Fotopoulos, President, for premises at 639 Rogers Street. The Commission voted to cancel the Class II Dealer license of Commonwealth Auto Sales Corp., Davi L. Borba, President, for license year to expire January 1, 2020.

The Commission reviewed the application by Lemon and Thyme, Inc., Ned Altali, President, for an all alcoholic beverages restaurant license for premises at 491 Dutton Street, Unit 4, one floor restaurant in 2,000 square feet in four story building, an enclosed kitchen, enclosed storage and dining room; three entrances, three exits. The Commission, on the motion by Chairman Descoteaux, second by Commissioner Howe, voted to ratify the publication of a legal notice in the Lowell Sun newspaper, and for public hearing to be held June 20, 2019 at 6:00 p.m. in the City Council Chamber.

The Commission, on the motion by Commissioner Krieger, second by Commissioner Donahue, voted to adjourn the meeting at 7:10 p.m.

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