

Minutes for the Lowell License Commission meeting for Thursday, August 18, 2016 at 6:30 p.m., held in the Council Chamber, 2nd floor, City Hall, 375 Merrimack St., Lowell, MA 01852.

Present: John Descoteaux, Commissioner, Chairman, Commissioners Cliff Krieger, Terry McCarthy, Martha Howe, and Joseph Donahue; Deputy Superintendent Jack Webb of the Lowell Police Department, and Assistant City Solicitor Ken Rossetti.

Chairman Descoteaux, speaking on behalf of Commissioners Krieger and McCarthy, offered welcoming comments to Commissioners Martha Howe and Joseph Donahue, whose appointments by City Manager Murphy to the License Commission were confirmed by the City Council on August 9, 2016.

The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to approve the minutes for the meeting of July 28, 2016.

The Commission, on the motion by Commissioner McCarthy, second by Commissioner Krieger, voted to ratify the cancellation of the special one-day license for malt beverages and wines only issued to Gabby Davis for an event at Lucy Larcom Park on August 12, 2016; the event was cancelled due to weather forecast. The Commission approved a credit of the license fee paid.

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

Gabby Davis - Made in Lowell, location Swamplocks at Point Park in the Hamilton Canal District, "Light Up The Locks," on Thursday, September 1, 2016, 6:00 p.m. to 10:00 p.m.

Gabby Davis - Made in Lowell, rooftop patio at Gallagher & Cavanaugh, 22 Shattuck St., Opening Reception, Thursday, September 8, 2016, 7:30 p.m. to 10:30 p.m.

Gabby Davis - Made in Lowell, Kerouac Park, 86 Bridge Street, Food Truck Madness, Friday, September 9, 2016, 6:00 p.m. to 9:30 p.m.

Gabby Davis - Made in Lowell, Mill City Grows Urban Garden, Middlesex Street, Farm to Table Dinner, Saturday, September 10, 2016, 6:30 p.m. to 9:00 p.m.

Gabby Davis - Made in Lowell, UMass Lowell Innovation Hub, 110 Canal St., 4th floor, Sips & Sweets, Saturday, September 10, 2016, 9:30 p.m. to 11:00 p.m. Gabby Davis was present. Ms. Davis addressed

the Commission, offering a logistical explanation for the site of Swamplocks at Point Park, the service area for beer and wine will be enclosed by a temporary barrier. Chairman Descoteaux inquired with Deputy Supt. Webb if the Lowell Police had any concerns about the Made In Lowell events; Deputy Webb stated there were none.

The Commission, on the motion by Commissioner Krieger, second by Commissioner Howe, voted unanimously to approve licenses for Gabby Davis – Made In Lowell for the events of September 1st, 8th, 9th and 10th – 2016.

The Commission reviewed the applications for special one-day license for all alcoholic beverages [responsible manager is to represent a non-profit organization]:

Wilfred M. Njah, M.D., of the Batibo Alumni Student Association, 122 Western Ave., water project fundraising, Saturday, August 27, 2016, 9:00 p.m. to 12:00 midnight; Wilfred Njah was present.

Gabby Davis - Made in Lowell, Middle and Palmer Streets, The Grand Tasting, Saturday, September 10, 2016, 2:00 p.m. to 6:00 p.m. Gabby Davis was present.

Dennis R. Garneau of The Sporting and Athletic Club of Lowell, Inc., for event on Hanover Street between Market and Merrimack Streets, fundraising event/cookout, Saturday, September 17, 2016, 1:00 p.m. to 6:00 p.m. Dennis Garneau was present.

Wilfred Njah stated that the event for which he requests the one-day license is a fundraiser for a well project to benefit a small community in Cameroon, Africa. Dennis Garneau stated that the event he has scheduled is a fundraiser. Deputy Supt. Webb stated there were no concerns by the Lowell Police for the events.

The Commission, on the motion by Commissioner McCarthy, second by Commissioner Donahue, voted unanimously to approve licenses for Wilfred M. Njah, M.D. for August 27th, Gabby Davis – Made In Lowell for September 10th and Dennis Garneau for September 17th – 2016.

The Commission reviewed the applications for special event permits for amplification of sound for outdoor public entertainment:

Dennis R. Garneau of The Sporting and Athletic Club of Lowell, Inc., 525 Market St., sound system for bands; comedian, fundraising event/cookout, Saturday, September 17, 2016, 1:00 p.m. to 6:00 p.m., on Hanover Street between Market and Merrimack Streets. Dennis Garneau was present.

Ronald B. Carignan, Jr., Never Forget Entertainment, sound system, live bands, Free Concert, Sunday, September 11, 2016, 12:00 p.m. to 10:00 p.m., at the Hadley Skatepark, Middlesex St., and Pratt Ave. Ronald Carignan was present.

Gabby Davis, Made In Lowell, sound system for live music, Opening Reception, Thursday, September 8, 2016, 7:30 p.m. to 10:30 p.m., rooftop patio Gallagher & Cavanaugh, 22 Shattuck St. Gabby Davis was present.

Gabby Davis, Made In Lowell, sound system for live music, Food Truck Madness, Friday, September 9, 2016, 6:00 p.m. to 9:30 p.m., Kerouac Park, 86 Bridge St.

Gabby Davis, Made In Lowell, sound system for live music, The Grand Tasting, Saturday, September 10, 2016, 2:00 p.m. to 6:00 p.m., Middle and Palmer Streets

Gabby Davis, Made In Lowell, sound system for live music, Farm to Table Dinner, Saturday, September 10, 2016, 6:30 p.m. to 9:00 p.m., Mill City Grows Urban Farm, Middlesex St.

Ty Chum of Lowell, sound system for live music, disc jockey, public address, for Fighting Addiction - An event to raise awareness about addiction especially substance abuse, Saturday, August 27, 2016, 11:00 a.m. to 2:00 p.m., at the Heritage Sampas Pavilion, Pawtucket Blvd. Ty Chum was present.

Chairman Descoteaux questioned Ron Carignan about the event for the Hadley Skatepark on September 11, 2016. Mr. Carignan stated that the Board of Parks granted a permit for the Free Concert; there are ten (10) bands to perform. Chairman Descoteaux spoke of a concern for security, and if the activity gets out-of-hand to shut it down. Mr. Carignan stated he would abide by the Commission's cautionary condition. Commissioner Krieger advised to have a decibel reading device for the event. Ty Chun stated the August 27th event at Heritage Sampas Pavilion is a free event. The Commission, on the motion by Commissioner Krieger, second by Commissioner Howe, voted to approve special events permits for amplification of

sound for Dennis R. Garneau of The Sporting and Athletic Club of Lowell, Inc.; Ronald B. Carignan, Jr., Never Forget Entertainment; Gabby Davis, Made In Lowell; and Ty Chum of Lowell.

The Commission reviewed the applications for Sidewalk Stand license from Anastasia Bryan, Lowell Jewelry & Loan, Lowell Exchange, Inc., 24 Merrimack Street, for September 1, 2016, and from J. Matthew Coggins, Enterprise Bank, Enterprise Bank & Trust, 222 Merrimack Street, for September 1, 2016. Anastasia Bryan and Matthew Coggins were present. Each representative stated that there is a special promotion scheduled for September 1st to introduce UMass-Lowell students to downtown businesses. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Krieger, voted to approve for September 1, 2016 a Sidewalk Stand license for Lowell Exchange, Inc., 24 Merrimack St., Anastasia Bryan, representative, and Enterprise Bank & Trust, 222 Merrimack St., J. Matthew Coggins, representative.

The Commission reviewed the application for Entertainment In A Licensed Restaurant for 2016 – Live Music, Disc Jockey, Juke Box by BS Collaborative, Inc., d/b/a Delish Restaurant & Bar, Yi Wang Zhuo, Manager, all alcoholic beverages restaurant licensee at 61 Merrimack Street. Yi Wang Zhuo was present. The Commission, on the motion by Commissioner Krieger, second by Commissioner Howe, voted to approve the license Entertainment In A Licensed Restaurant for 2016 – Live Music, Disc Jockey, Juke Box for BS Collaborative, Inc.

The Commission, on the motion by Commissioner Krieger, second by Commissioner Donahue, voted to continue the matter of the application by Downeast Cider House LLC, Max Goransson, Manager of Record, a Farmer Winery for License to sell at a Farmer's Market, for Farmer's Market at Mill No. 5, 250 Jackson Street, 4th floor, Sundays from August 18 to December 25, 2016, 11:00 a.m. to 3:00 p.m. The Executive Secretary advised the Commission that Mr. Goransson was not able to attend this evening's meeting.

The Commission reviewed the following communications from William M. Taylor, Superintendent of Police:

(August 2, 2016 letter) Allegations of misconduct on July 30, 2016 against LCRC, Inc., d/b/a Dudley's, Matthew J. Murphy, Interim Manager, all alcoholic beverages restaurant licensee at 19 Merrimack St.;

(August 9, 2016 letter) Allegations of misconduct on May 2, 2016 against Mill City Ballroom, Inc., d/b/a Mill City Ballroom, Joel Asadoorian, Manager, all alcoholic beverages restaurant licensee at 74 Merrimack St.; (August 10, 2016 letter) allegations of misconduct on June 26, 2016 against Mill City Ballroom, Inc.; (August 11, 2016 letter) allegations of misconduct on July 30, 2016 against Mill City Ballroom, Inc.; and (August 12, 2016 letter) allegations of misconduct on August 6-7, 2016 against Mill City Ballroom, Inc.

Chairman Descoteaux recommended hearings be held for each licensee (LCRC, Inc., and Mill City Ballroom, Inc.) on the matter of the Superintendent's communications for Thursday, September 1, 2016 at 6:30 p.m. in the Council Chamber. The motion, made by Commissioner Howe, second by Commissioner Krieger, was voted unanimously that a hearing be held for each letter of complaint alleging misconduct - one (1) hearing for LCRC, Inc., and four (4) hearings for Mill City Ballroom, Inc.; said hearings are to be held on Thursday, September 1, 2016 at 6:30 p.m. in the Council Chamber.

The Commission reviewed the application by Mariachi Foods Inc., d/b/a El Potro Mexican Grill, Joseph M. Carreiro, Jr., Director, Manager, all alcoholic beverages restaurant licensee at 124 Merrimack Street, for new officer/director, transfer of stock. The Commission, on the motion by Commissioner Donahue, second by Commissioner Howe, voted to ratify the publication of the legal notice on Friday, August 19, 2016 Lowell Sun newspaper, and to schedule the public hearing for Thursday, September 1, 2016 at 6:30 p.m., Council Chamber.

The Commission reviewed a communication from the Alcoholic Beverages Control Commission regarding their decision dated August 9, 2016 as a result of the appeal by Vannak Kann, d/b/a The Crown, all alcoholic beverages restaurant licensee at 74 Middlesex Street, of the License Commission decision to suspend the alcohol beverages restaurant license. Chairman Descoteaux commented on the A.B.C.C. decision, and discussed with Assistant Solicitor Rossetti about the licensing authority voting to enter into executive session. At 6:55 p.m., the Commission voted by roll-call, on the motion by Commissioner

Krieger, second by Commissioner McCarthy, to enter into executive session to discuss strategy regarding litigation, public discussion of which may have a detrimental effect on the litigating position of the Commission [licensing authority]; vote – ayes: Chairman Descoteaux, Commissioners Krieger, McCarthy, Howe, Donahue. Chairman Descoteaux announced that the Commission will go to the Mayor’s Reception Room for the executive session and will return to the Council Chamber to vote by roll-call to return to regular session.

The Commission, on the motion by Chairman Descoteaux, second by Commissioner McCarthy, voted to return to regular session at 7:28 p.m. – ayes: Chairman Descoteaux, Commissioners Krieger, McCarthy, Howe, and Donahue.

On a motion by Commissioner Krieger, second by Commissioner McCarthy, the Commission voted to adjourn the meeting at 7:30 p.m.

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