

Minutes for the Lowell License Commission meeting for Thursday, August 22, 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 Clifford Krieger, Terry McCarthy, Martha Howe, and Joseph Donahue, and Gary Gordon, Asst. City Solicitor, and Captain James Hodgdon of the Lowell Police Department.

The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to approve meeting minutes for August 8, 2019. Commissioner Donahue voted present.

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

Tabatha Garnett appeared on behalf of Ashley Roper, Catering Manager, Aramark. There are two applications: Allen House, 2 Solomont Way, Welcome Back Reception, English Dept., Tuesday, September 10, 2019, 2:00 p.m. to 7:00 p.m.; and Allen House, 2 Solomont Way, Lawyers, Mock Trial & Pre Law Society Alumni Reception, Thursday, September 26, 2019, 4:00 p.m. to 9:00 p.m. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Donahue, voted to approve licenses for Ashley Roper for September 10, 2019 and September 26, 2019 for events to be held at the Allen House, 2 Solomont Way.

Heather Austin of Coco Luna LLC was present for six (6) applications, events to be held at Mill No. 5, 250 Jackson St., 4th & 5th floors, as follows:

The Oddity Market, Saturday, September 7, 2019, 12:00 p.m. to 4:00 p.m.;

The Makers Market, Saturday, September 14, 2019, 12:00 p.m. to 4:00 p.m.;

Girl Magic Meets, Saturday, September 21, 2019, 12:00 p.m. to 4:00 p.m.;

The Itty Bitty, Saturday, September 28, 2019, 12:00 p.m. to 4:00 p.m.;

Ghastly, Saturday, October 5, 2019, 12:00 p.m. to 4:00 p.m.; and

The Hole Thing, Saturday, October 12, 2019, 12:00 p.m. to 4:00 p.m.

The Commission, on the motion by Commissioner Howe, second by Commissioner Krieger, voted to approve licenses for activity at Mill No. 5, September 7, 14, 21, 28, October 5, 12 - 2019.

Clare Gunther of Lowell Community Health Center appeared before the Commission for two (2) events at 161 Jackson Street, 6th floor: African Community Celebration, Friday, September 20, 2019, 5:30 p.m. to 9:00 p.m.; and Winter Mixer Fundraiser, Wednesday, December 11, 2019, 5:30 p.m. to 7:30 p.m. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Donahue, approved licenses for Clare Gunther for September 20, 2019 and December 11, 2019.

Donna Julian of Julian Lenzi Hospitality Group appeared before the Commission. The event is the LMA Irish Festival, Saturday, September 21, 2019, 12:00 p.m. to 11:00 p.m. at an outdoor venue at 50 East Merrimack St. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Krieger, approved the license for Donna Julian for September 21, 2019.

Julio Pastrana of the Lowell Fire Fighters Association was present. Mr. Pastrana, on behalf of the Lowell Fire Fighters Association applied for the beer/wine concession Sunday, September 22, 2019, 11:00 a.m. to 3:00 p.m., in conjunction with the Fire Fighters Assn. road race. The concession venue will be fence enclosed area outside club premises at 362-364 Fletcher Street, at Willie & Cross Sts. The Commission, on the motion by Commissioner Krieger, second by Commissioner Donahue, approved the license for Julio Pastrana for September 22, 2019.

The Commission opened the public hearing on the application by Renay M. Wolterding, d/b/a Mill City BBQ & Brew, an all alcoholic beverages restaurant licensee at 1018 Gorham Street, for change of location to 11 Kearney Square, 3,750 square feet, 2 entrances, 2 exits, first floor dining and kitchen, basement storage only. Renay Wolterding was present. The Commission reviewed and ordered placed on file the "affidavit of notice of mailing to abutter and others," white postal slips, and return receipts. Chairman Descoteaux opened the hearing for public comment, requesting to hear from anyone who wished to speak in favor of the application. There was no one present to speak in favor; that portion of the

hearing was closed. Chairman Descoteaux opened the hearing to anyone who wished to speak in opposition to the application. There was no one present to speak in opposition; that portion of the hearing was closed. The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to approve the change of location of the all alcoholic beverages restaurant license for premises at 11 Kearney Square.

The Commission opened the public hearing on the application by B & H Beer N Wine, Inc., d/b/a Jay's Beer & Wine, Bhumi A. Patel, President, malt beverages and wines only package store licensee, for change of location from premises at 168 Gorham Street to 166 Gorham Street, retail floor space approximately 3,000 sq. ft. The following individuals were present: Bhumi A. Patel, and Attorney Brian Akashian, legal counsel for B & H Beer N Wine, Inc. The Commission reviewed and ordered placed on file the "affidavit of notice of mailing to abutter and others," white postal slips, and return receipts. Chairman Descoteaux opened the hearing for public comment, requesting to hear from anyone who wished to speak in favor of the application. There was no one present to speak in favor; that portion of the hearing was closed. Chairman Descoteaux opened the hearing to anyone who wished to speak in opposition to the application. There was no one present to speak in opposition; that portion of the hearing was closed. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Donahue, voted to approve the change of location of the malt beverages and wines only package store license for premises at 166 Gorham St.

The Commission opened the hearing on the allegation of misconduct as charged by Raymond Kelly Richardson, Superintendent of Police, against the licensee Centerville Social Club, David Burns, Manager, all alcoholic beverages club at 364 West Sixth St., for manager not maintaining order and decorum in the premises on June 15, 2019. The following individuals were present: David Burns, and David Lavallee. Captain Hodgdon read the letter from the Superintendent of Police to the Commission, dated July 11, 2019. Mr. Burns stated the club is not represented by legal counsel for the hearing. Mr.

Lavallee stated that he was working at the club the morning of June 15, 2019. He stated he is night manager; announced “last call” at 1:30 a.m. When people enter the rear door, there is a “blind spot” which doesn’t allow the manager behind the bar to see who has entered, which explains how two (2) underage females gained access to the club after a [club] member opened the rear door. Lowell police were called by Mr. Lavallee as a result of one (1) underage female sustained a “contusion on the left side of her head with ½ [inch] laceration.” The female was taken to a local hospital by ambulance. Mr. Lavallee informed the police there was no fight inside the club. The police report described that the underage females had the symptoms of intoxication. Mr. Burns and Mr. Lavallee stated to the Commission that there has been problems when “legal age patrons” entering the club through the front door, using a security button as the means to unlock the door, then let underage friends enter via the rear door. Mr. Burns stated there has been a security alarm installed after the incident. The Commission was told capacity for the club is 150. Commissioner Howe questioned security. Mr. Burns answered that the bartender can observe. Mr. Lavallee stated that the back [rear door] had been an issue for approximately a month. At the conclusion of the hearing, Chairman Descoteaux made the motion to place the Superintendent’s letter on file, seconded by Commissioner McCarthy. Commissioner Donahue recommended a one (1) day suspension, to be held in abeyance one (1) year because circumstances of the misconduct, to wit, not maintaining order and decorum in the premises, involved two (2) underage persons on the licensed premises, neither a member nor known to be a guest. The motion was seconded by Commissioner Howe. The Commission voted unanimously on Commissioner Donahue motion. Commissioner Krieger stated it is membership responsibility [to sign-in a guest]. Mr. Burns stated the Centralville Social Club now has a camera on each door.

The Commission, on the motion by Commissioner Donahue, second by Howe, voted to grant the continuance of hearing to September 12, 2019 for The Last Safe, Inc., d/b/a The Last Safe & Deposit, Timothy Kelleher, Manager, all alcohol beverages restaurant licensee at 160 Merrimack St. per request by

Atty. John J. Hartigan, legal counsel for licensee. The hearing is to review ABCC decision finding The Last Safe in violation; and to review the two-day suspension held in abeyance by License Commission.

The Commission reviewed the application by Piseth Hem Inc., Piseth Hem, President, for the transfer of the all alcoholic beverages package store license from King Liquors, Inc., Sim Chhuon, President, for premises at 326 Fletcher Street. The Commission, on the motion by Commissioner Donahue, second by Howe, voted to schedule the public hearing for September 12, 2019 at 6 p.m., to be held in the City Council Chamber. The Secretary stated the legal notice will be scheduled for publication in the Lowell Sun newspaper August 30, 2019 in accordance with MGL c. 138, s. 15A.

The Commission reviewed the communication from Raymond Kelly Richardson, Superintendent of Police, dated August 19, 2019, re: allegation of misconduct charged against the licensee LD Holdings, LLC, d/b/a Bar 74 Lounge & Grill, Abigail Murphy, Manager of Record, all alcohol beverages restaurant licensee. Allegation of misconduct occurred July 27, 2019; licensee failed to notify Lowell Police of altercation reported by patron to Lowell Police on July 29, 2019. The Commission voted to notify the licensee of the hearing to be held on Thursday, September 12, 2019 at 6:00 p.m. in the City Council Chamber regarding the alleged misconduct.

Ms. Parul Sanghvi, Treasurer of GURJAR, a non-profit organization, appeared before the Commission to speak of the GURJAR Heritage Fest 2019, to be held Saturday, September 7, 2019, 12:00 noon to 7:00 p.m., at the Sampas Pavilion, 160 Pawtucket Blvd. Ms. Sanghvi stated that the event has taken place the previous two years at the site of the Sampas Pavilion. After a short question and answer, the Commission voted to take the matter under advisement pending a report from the Executive Secretary on September 12, 2019.

The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, voted to adjourn the meeting at 6:30 p.m.

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