

Minutes for the Lowell License Commission meeting for Thursday, October 18, 2018 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 Adam LaGrassa, Assistant City Solicitor, and Captain Paul Laferriere of the Lowell Police Department.

The Commission, on the motion by Commissioner Krieger, second by Commissioner Donahue, voted to approve the meeting minutes for September 27, 2018.

The Commission reviewed applications for special one-day license to dispense wines only from the following individuals:

Paul F. Lappin, who was present, the event at Pollard Memorial Library, 401 Merrimack St., Moses Greeley Parker Lecture: Hon. Michael Ponsor "Justice and the American Character", Thursday, October 25, 2018, 5:30 p.m. to 9:00 p.m.

Ann Brady, present at the meeting, the Art Reception at Ayer Lofts Art Gallery, 172 Middle St., Saturday, December 1, 2018, 4:00 p.m. to 7:00 p.m.

The Commission, on the motion by Commissioner McCarthy, second by Commissioner Krieger, voted to approve license to Paul Lappin for October 25, 2018 and license to Ann Brady for December 1, 2018.

The Commission reviewed the applications for special one-day license for all alcoholic beverages:

Marc Clermont of The Miracle Providers North East, The Onyx Room at Western Ave. Studios, 122 Western Ave., Glitz and Glam Charity Cabaret Shows, Friday, November 9, 2018, 7:00 p.m. to 11:30 p.m., and Saturday, November 10, 2018, 7:00 p.m. to 11:30 p.m. Marc Clermont was present.

Roberta Barnes of Lowell Catholic High School, at the Lowell Catholic High School Gymnasium, 530 Stevens St., Laughs for LC - Fundraiser/Comedy Night, Friday, November 30, 2018, 7:00 p.m. to 10:00 p.m. Roberta Barnes was present.

The Commission, on the motion by Commissioner Howe, second by Commissioner Donahue, voted to approve licenses for Marc Clermont of The Miracle Providers North East for November 9 and 10, 2018, and license for Roberta Barnes of Lowell Catholic High School for November 30, 2018.

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

Alex Giallanella, UTEC, 35 Warren Street, Underground Rhyme/Poetry Showcase, Friday, October 26, 2018, 7:00 p.m. to 12:00 a.m. Alex Giallanella was present.

Paul Bareford of BareWolf Brewing, LLC, Mill No. 5, 250 Jackson St., 4th floor, Vinal Destination 5th Anniversary Celebration, Saturday, November 10, 2018, 5:00 p.m. to 8:00 p.m. Paul Bareford was present.

The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to approve license for Alex Giallanella for October 26, 2018 and license for Paul Bareford for November 10, 2018.

The Commission reviewed the application for special events permit for amplified outdoor public entertainment from Frederick Smith, SmithFest Events, amplified sound, Halloween 5K @ Shedd Park, Saturday, November 3, 2018, 4:00 p.m. to 10:00 p.m., Shedd Park. Aly Smith was present. Captain Laferriere stated Lowell Police Department has no problem with the SmithFest event on November 3, 2018. The Commission voted to approve the special events permit for amplified outdoor public entertainment on the motion by Commissioner Krieger, second by Commissioner Donahue.

The Commission opened the public hearing on the application by Valerie Georgouloupoulos, d/b/a Sophia's Greek Pantry North, for a malt beverages & wines only package store license for premises at 479 Market Street, 1 entrance, 2 exits, 3 rooms first floor 782 sq. ft., 1 room basement 782 sq. ft. Valerie Georgouloupoulos was present. The Commission reviewed and ordered placed on file the affidavit of notice of mailing to abutters and churches, white postal receipts, and green return receipts. Ms. Georgouloupoulos stated her reason for applying for the license so that she may offer Greek wines and beers in her store. The store sells specialty food items, and she has customers who ask for Greek wine and beer to complement the food for sale. 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 Krieger, voted to grant a malt beverages & wines only package store license to Valerie Georgouloupoulos, d/b/a Sophia's Greek Pantry North, premises at 479 Market Street for the calendar year ending December 31, 2018. The Commission did not find after hearing that the approval of the above license application would be detrimental to the church activities of St. Patrick's Church, 282 Suffolk St., and the Hellenic Orthodox Church of Lowell, 62 Lewis St.

The Commission opened the hearing on the matter of illegalities in violation of MGL C. 140, ss. 58, 59, 62, 66, 69 as recorded in communications from Massachusetts Department of State Police regarding Charles E. Byrne, d/b/a Bay State Auto Sales, Class II, used car Dealer licensee, #391-B, for premises at Rear 418-420 Chelmsford Street. The following individuals were present: Charles E. Byrne, Attorney Victor Forsley, legal counsel for Mr. Byrne, and Trooper Charles A. Luise, Massachusetts Dept. of State Police. Attorney Forsley stated the Lawrence office of the Registry of Motor Vehicles held a hearing last week on the matter of the Dealer plates issued to Mr. Byrne. Attorney Forsley stated that until the Registry takes action, there is nothing before the License Commission. Someone had made a complaint with the Registry about the use of Dealer plates. Attorney Forsley stated that the License Commission hearing notice, advising of things to happen in the future, is odorous. Chairman Descoteaux questioned Asst. Solicitor LaGrassa about the License Commission's authority in addressing the allegations. Asst. Solicitor LaGrassa cited Massachusetts General Law, Chapter 140, section 59. Attorney Forsley objected to testimony of Trooper Luise. Commissioner Donahue questioned Attorney Forsley about the location of the used car lot, and Mr. Byrne about the office of the business. Chairman Descoteaux and Commissioners McCarthy, Howe and Donahue stated that each had inspected the licensed premises, and did not find any motor vehicles for sale. Mr. Byrne presented photographs of the office door. Commissioner Donahue stated there is no business there; the Commission is conducting due diligence. Chairman Descoteaux addressed Trooper Luise about the memorandum of understanding (M.O.U.) that Mr. Byrne had signed. Trooper Luise stated the items that will need to be acted upon by Mr. Byrne on or

before November 1st, additional requirements will need to be met by January 1st, such as thirty (30) hours a week in the office which is to be a minimum 100 sq. ft. Chairman Descoteaux recommended to wait for Trooper Luise's November report. Commissioner Howe questioned Attorney Forsley as to his outrage about the License Commission action. At the conclusion of discussion, the Commission voted to place Trooper Luise's report of October 5, 2018 on file, and to continue the hearing to Thursday, November 29, 2018 at 6:00 p.m.

The Commission opened the hearing for LD Holdings, LLC, d/b/a Bar 74 Lounge and Grill, Chelsea Grove, Manager, all alcoholic beverages restaurant licensee at 76-78 Merrimack St., manager of record resignation. Chairman Descoteaux recused himself from the hearing on the advice of the City Solicitor. Commission Krieger presiding. The following individuals were present: Lauren DiSalvo, and Attorney Travis Jacobs, legal counsel for LD Holdings, LLC. Chelsea Grove was absent. Attorney Jacobs informed the Commission that Chelsea Grove did not send notice of resignation to Lauren DiSalvo, LLC Manager. Atty. Jacobs also informed the Commission that the establishment "Revolution" is closed. Commissioner Howe questioned Ms. DiSalvo about David Heeley as manager of record. Commissioner Howe stated that Mr. Heeley in his testimony before the Commission at the hearing on March 20, 2018 stated he had left Bar 74 as manager of record in November 2017. Ms. DiSalvo stated that Mr. Heeley left March 20, 2018. Commissioner Howe states that Paul Palladino sent a crypt message to the Executive Secretary that he no longer wanted his name on the license. Ms. DiSalvo stated that Mr. Palladino was let go because of text messages sent to two female bartenders alleged to be disturbing in content. Commissioner Howe stated two months after Mr. Palladino, another application is filed for change in manager to Chelsea Grove which was approved by the Commission August 9th, and the A.B.C.C. approved August 23, 2018. Commissioner Howe continued, stating Joel Feicht sent an email to the Executive Secretary August 29th about his name to be removed from the license as manager for Revolution. He sent another email September 13 about his resignation. Attorney Jacobs stated that Mr. Feicht and Ms. Grove when they notified the License Commission did not send notice of their resignations to either me or to Lauren Disalvo. The last time they were at Bar 74 and Revolution was August 26th. Attorney Jacobs stated it is

not fair [to find fault with LD Holdings, LLC]. Commissioner Howe stated that the application to change manager to Paul Palladino, page 3, paragraphs # 3 and # 4, are read aloud, which is reference to notifying the licensing authority of any changes by the applicant [LD Holdings, LLC]. Commissioner Howe asked about the individual known as Ty Andrews or Ty Anderson, if he was paid. Ms. DiSalvo stated he was not paid. Commissioner Howe then asked the Executive Secretary if Lauren DiSalvo or Attorney Jacobs had sent notice of the resignation of Mr. Heeley, Mr. Palladino, and Ms. Grove. The Secretary responded to each question “no, Commissioner Howe.” Commissioner Donahue stated that Bar 74 has been unmanaged all these months. Since Mr. Heeley left in November 2017, there has been no manager of record, very concerned about the stability of the operation. Commissioner McCarthy stated that there had been no payroll records for Mr. Heeley. Attorney Jacobs stated that Mr. Heeley had made false statements before the Commission and different statements at the A.B.C.C. hearing. Commissioner Krieger asked of the A.B.C.C. hearing. Attorney Jacobs stated that Mr. Heeley testimony was not consistent when questioned at the A.B.C.C. hearing on the appeal of the ten (10) days suspension. Commissioner Krieger noted the absence of the license on the wall. Commissioner McCarthy stated the Commission has not been notified [by LD Holdings, LLC] about the resignation of managers. Commissioner Krieger questioned Captain Laferriere about recent investigations conducted by the A.B.C.C. Captain Laferriere stated that the A.B.C.C. investigators went to Bar 74 and Dudley’s. Bar 74 has been cited for 12 counts of minors in possession of alcohol beverages. Commissioner Howe made the motion to revoke the all alcoholic beverages restaurant license because of the findings that the manager of record is the most important position for the licensee, Bar 74 has been without a manager of record since March 2018, there has been no notice from the licensee to the Commission of the managers resignations, Lauren DiSalvo having signed the A.B.C.C. statement as applicant, a very important statement, did perjure herself since she did not notify the licensing authority. The licensee was cited by the Superintendent of Police in March for violations. The emails received by the Executive Secretary from Paul Palladino and Chelsea Grove. Commissioner McCarthy seconded the motion. Commissioner Donahue stated substantially without a manager for months, Ms. DiSalvo is still living in New York, cannot tolerate that Bar 74 is not

professionally managed on a day to day basis. Attorney Jacobs stated the Commission was already notified about the managers' resignations, any further notification would have been redundant. Commissioner Krieger asked for a roll-call vote on the motion to revoke license: Commissioner Krieger yes, Commissioner McCarthy yes, Commissioner Howe yes, and Commissioner Donahue yes. The vote is four (4) yeas to revoke the all alcoholic beverages restaurant license for calendar year 2018 to LD Holdings, LLC, d/b/a Bar 74 Lounge and Grill, premises at 76-78 Merrimack Street. Commissioner Krieger requested Captain Laferriere have Lowell Police Department take possession of the license and returned to the License Commission Executive Secretary.

Chairman Descoteaux returned to the meeting. The Commission opened the hearing for LD Holdings, LLC, d/b/a Revolution, Joel Feicht, Manager, all alcoholic beverages restaurant licensee at 74 Merrimack St., manager of record resignation. The following individuals were present: Lauren DiSalvo, and Attorney Travis Jacobs, legal counsel for LD Holdings, LLC. Joel Feicht was absent. Chairman Descoteaux and Commissioner Donahue asked about Mr. Brine and of the current hours of operation. Ms. DiSalvo stated that Revolution has not been open since May 2018. She is waiting to have someone take control. Commissioner Donahue asked Captain Laferriere if there had been any problems. Captain Laferriere stated there have been no issues, all is quiet. Chairman Descoteaux made the motion to place the agenda item on file, second by Commissioner Krieger, so voted.

The Commission per Chairman Descoteaux recommendation tabled the application by LD Holdings, LLC, d/b/a Bar 74, all alcoholic beverages restaurant licensee at 76-78 Merrimack St., for change of manager of record to Jeffrey Torres of Hudson, MA. Further, the License Commission will vote on whether to enter into executive session to comply with, or act under the authority of, MGL Chapter 6 Section 172.

Attorney Jacobs requested to withdraw the application by LD Holdings, LLC, d/b/a Revolution, all alcoholic beverages restaurant licensee at 74 Merrimack St., for change of manager of record to Lauren DiSalvo of Cortlandt Manor, NY. Attorney Jacobs stated he would file new application for change of

manager for the meeting of November 8, 2018. The Commission agreed to the withdrawal of the application, and to review a new application at the meeting of November 8th.

The Commission reviewed the application by Brew'd Awakening Coffeehaus Inc., d/b/a Brew'd Awakening Coffeehaus, Andrew Jacobson, President, for an all alcoholic beverages restaurant license for premises at 61 Market Street, Unit 1A. The Commission, on the motion by Commissioner Howe, second by Commissioner Donahue, voted that a legal notice be published in the Lowell Sun newspaper on October 26, 2018, and to hold a public hearing on November 8, 2018 at 6:00 p.m. in the City Council Chamber. Abutters are to be notified by applicant; in addition church, schools within 500 feet.

The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy voted to place on file the Executive Secretary report: Special one-day license [#106SP2018] for Gabby Davis – Made In Lowell for malt beverages 7 wines only, granted July 26, 2018, for event date of September 28, 2018 at Kerouac Park, not issued.

The Commission, on the motion by Commissioner Krieger, second by Commissioner Howe, voted to adjourn the meeting at 7:45 p.m.

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

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