

Minutes for the Lowell License Commission meeting for Thursday, May 23, 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; Gary Gordon, Assistant City Solicitor, and Captain James Hodgdon of the Lowell Police Department.

The Commission, on the motion by Commissioner Krieger, second by Commissioner Donahue, voted to approve the meeting minutes for May 9, 2019. Commissioner Donahue voted present.

The Commission reviewed for reconsideration the application by Social Club of Pawtucketville Lowell, Massachusetts, Raymond Beaudry, Treasurer, all alcohol beverages club licensee at 123 University Avenue, change of club officer - President. Raymond Beaudry was present. Mr. Beaudry stated that the club directors recently voted to change the office of President, having notified the A. B. C. C. investigator of a request to change officer because of CORI information made known to club officials. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Krieger, voted to approve Daniel Millinazzo as President.

The Commission reviewed applications for special one-day license to sell/dispense all alcoholic beverages:

Francey Slater of Mill City Grows, for Mill City Grows Farm to Cocktail Fundraiser, Friday, June 14, 2019, 5:30 p.m. to 8:30 p.m. at the Lowell Masonic Center, 79 Dutton St., Main Hall. Francey Slater was present. The Commission, on the motion by Commissioner Donahue, second by Commissioner Howe, voted to approve the license for Francey Slater of Mill City Grows.

Gregory T. Curtis of Holy Trinity Hellenic Orthodox Church, for Greek Festival at an enclosed outdoor area on Worthen Street adjacent to Hellenic American Academy, 41 Broadway, Friday, June 14, 2019, 5:00 p.m. to 11:00 p.m.; Saturday, June 15, 2019, 12:00 p.m. to 11:00 p.m.; and

Sunday, June 16, 2019, 12:00 p.m. to 6:00 p.m. Gregory Curtis was present. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to approve licenses for Gregory T. Curtis of Holy Trinity Hellenic Orthodox Church.

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

Ashley Roper, Catering Manager, Aramark, for event at University Crossing, 220 Pawtucket St., John Ouellette Retirement Party, Thursday, May 30, 2019, 12:00 p.m. to 6:00 p.m. Ashley Roper was present. The Commission, on the motion by Commissioner Howe, second by Commissioner Donahue, voted to approve license for Ashley Roper of Aramark.

Edgar Cyrus of Merrimack Repertory Theatre, at Liberty Hall, 50 East Merrimack St., Performance by Free Soil Arts Collaborative at Merrimack Repertory Theatre, Saturday, June 8, 2019, 6:15 p.m. to 7:00 p.m., and 15 minutes intermission; and Sunday, June 9, 2019, 3:15 p.m. to 4:00 p.m., 6:15 p.m. to 7:00 p.m., and 15 minutes intermission. Edgar Cyrus of the MRT and Christa Brown of Free Soil Arts Collective were present. The Commission, on the motion by Commissioner Donahue, second by Commissioner Krieger, approved the licenses for June 8th and June 9th, 2019.

Steve Mendonca of St. Anthony Parish, St. Anthony's Parish parking lot, 893 Central St., Saint Anthony's Feast, Saturday, June 29, 2019, 11:00 a.m. to 12:00 mid.; and June 30, 2019, 12:00 p.m. to 11:00 p.m. Steve Mendonca was present. The Commission, on the motion by Commissioner Krieger, second by Commissioner McCarthy, approved licenses for Steve Mendonca of St. Anthony Parish for June 29th and 30th, 2019.

Jensen Auguste for Family Reunion, Thursday, June 6, 2019, 4:00 p.m. to 9:00 p.m. at the Galeria Café, 366 Merrimack St. Jensen Auguste was present. Chairman Descoteaux asked about the event, and the number of guests. Mr. Auguste stated he anticipates twenty (20) family members to attend the reunion. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to approve the license for Jensen Auguste for June 6, 2019.

The Commission reviewed the application for special events permit for the amplification of sound by Elizabeth Mallon of Enterprise Bank, disc jockey with sound system, annual customer appreciation cook-out, Thursday, June 20, 2019 [rain date June 21], 11:00 a.m. to 2:00 p.m., at the Enterprise Bank parking lot, 222 Merrimack St. Elizabeth Mallon was present. The Commission, on the motion by Commissioner Howe, second by Commissioner Donahue, voted to approve the amplification of sound permit for Elizabeth Mallon of Enterprise Bank.

Chairman Descoteaux requested the applications for special events permit for the amplification of sound be addressed as follows:

Rev. Heather Prince Doss, Eliot Presbyterian Church, DJ with sound system, 150th Anniversary Block Party, Sunday, June 23, 2019, 11:00 a.m. to 2:00 p.m., in front of church at 273 Summer Street;

Rev. Heather Prince Doss, Solidarity Lowell, DJ, Dancers, Community Potluck, Sunday, September 15, 2019, 2:00 p.m. to 5:00 p.m., at the South Common, Purtell Multipurpose Field;

Rev. Heather Prince Doss was present;

Deborah Motew, Lowell Community Charter Public School, speakers from computer lap-top, music for performances by students, LCCPS Annual Block Party, Friday, June 7, 2019, 2:00 p.m. to 8:00 p.m., in front of 206 Jackson St.; Deborah Motew was present;

Robin E. Dupell, ATP Restaurant Inc., d/b/a Cobblestones, Band, Anniversary Party 25 years, Friday, June 7, 2019, 4:00 p.m. to 11:00 p.m., outdoor area at 91 Dutton St.; Robin Dupell was present;

Gregory T. Curtis, Holy Trinity Hellenic Orthodox Church, sound system for live music, d. j., Greek Festival, Fri., June 14, 5:00 p.m. to 11:00 p.m., Sat., June 15, 12:00 p.m. to 11:00 p.m., and Sun., June 16, 2019, 12:00 p.m. to 6:00 p.m., enclosed outdoor area on Worthen St. adjacent to Hellenic American Academy, 41 Broadway; Gregory Curtis was present;

Christopher Glenn Hayes, DIY Lowell, music for staged dance, speaking program/costume contest, small PA system or Bluetooth speakers, A Midsummer Dream on Merrimack Street (Festival), Saturday, June 22, 2019, 1:00 p.m. to 10:00 p.m., St. Anne's Church, 8 Kirk St., Lucy Larcom Park, Mack Plaza; Christopher Glenn Hayes was present;

Steve Mendonca, St. Anthony Church, DJ & Singer, St. Anthony Outdoor Feast, Saturday, June 29, 11:00 a.m. to 11:00 p.m.; Sunday, June 30, 2019, 12:00 p.m. to 10:00 p.m., , St. Anthony Church parking lot, 893 Central St.; Steve Mendonca was present. Chairman Descoteaux asked Captain Hodgdon if the Lowell Police Department would have any concerns about the scheduled activity for which amplification permits are requested. Captain Hodgdon stated there are no issues the Lowell Police have with said activity. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to approve special event permits for amplification of sound for Rev. Heather Prince Doss of Eliot Presbyterian Church,

and Solidarity Lowell, Deborah Motew of Lowell Community Charter Public School, Robin Dupell of ATP Restaurant Inc., Gregory Curtis of Holy Trinity Hellenic Orthodox Church, Christopher Glenn Hayes of DIY Lowell, and Steve Mendonca of St. Anthony Church.

The Commission reviewed the application for special events permit for the amplification of sound by Robert J. Howard, Jr. of Heritage Farm Ice Cream & Restaurant, 163 Pawtucket Blvd., Modern Entertainment DJ, Jimmy Fund Night, Tuesdays', May 28 to September 24, 2019. Robert Howard was present. Chairman Descoteaux requested Captain Hodgdon to address the matter of Lowell Police Department's record of complaints about loud noise received from residents who live in the neighborhood [Pawtucketville] of Heritage Farm Ice Cream, and the Sampas Pavilion of Heritage Park across from Heritage Farm Ice Cream on Pawtucket Blvd. Captain Hodgdon identified Sampas Pavilion/Heritage Park as owned and managed by the Massachusetts Department of Conservation and Recreation (DCR), and that noise complaints had been called-in by neighbors with Lowell Police Dept. last year [fair-weather season]. Captain Hodgdon stated he was advised by Deputy Superintendent [Barry] Golner of a contentious relationship that exists between Heritage Farm Ice Cream and Motorcyclenight ("MCN"), because Heritage Farm Ice Cream and Motorcyclenight offer sound amplification on Tuesday evenings. Chairman Descoteaux requested Mr. Howard address the Commission. Mr. Howard explained how Tuesdays' evenings during the summer Heritage Farm has hosted a fundraiser for non-profit activity, i.e. Jimmy Fund. People who enjoy riding motorcycles will gather at the parking lot, and amplified music is offered during the early evening. Mr. Howard stated he has had only one conversation with a Lowell Police Officer about music being too loud, and noted the police officer did not find his sound system too loud. Commissioner Howe asked

Mr. Howard if he would consider another evening for the fundraiser. Mr. Howard declined to consider another weeknight. Commissioner Donahue stated there are competing speakers between Heritage Farm and Sampas Pavilion. Commissioners Krieger and Howe questioned Asst. Solicitor Gordon about DCR management of the Sampas Pavilion site, and whether DCR management should have event organizers abide by the City of Lowell Noise Ordinance. Asst. Solicitor Gordon stated it is possible. Chairman Descoteaux requested Steve Munroe, owner of the company Motorcyclenight (“MCN”), address the License Commission. Mr. Munroe was hesitant to approach the podium. Chairman Descoteaux requested the Commission consider a motion to approve the special event permits for amplification of sound for Robert J. Howard, Jr. of Heritage Farm Ice Cream & Restaurant. Chairman Descoteaux offered Mr. Munroe the opportunity to read a prepared statement. Mr. Munroe read a statement in which he stated, in part, that he is opposed to the Tuesday night amplification permit for Heritage Farm Ice Cream. The Commission, on the motion by Commissioner Donahue, second by Commissioner Howe, voted to approve the amplification of sound permit for Robert J. Howard, Jr. of Heritage Farm Ice Cream & Restaurant. Chairman Descoteaux requested Captain Hodgdon to notify the License Commission when the Lowell Police Department receives complaints about loud noise from residents who live in the neighborhood [Pawtucketville] because of Tuesday evenings scheduled amplification at Heritage Farm Ice Cream and the Sampas Pavilion.

The Commission reviewed the application by the Merrimack Repertory Theatre, Laura Frye, representative, for a Charity Wine Pouring License, for Saturday, June 22, 2019 at the Lowell Memorial Auditorium, main house, 50 East Merrimack St., Julian Lenzi Hospitality Group, Inc., licensee of record for the premises, license # 00303-RS-0630. Laura Frye was present. Chairman

Descoteaux asked Ms. Frye if she had previous applied for the license. Ms. Frye stated she had. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to approve the Charity Wine Pouring License for the Merrimack Repertory Theatre for the fundraiser June 22, 2019 at the Lowell Memorial Auditorium.

Peter Tamajong, LLC Manager of MBOA Alliance LLC appeared before the Commission to present the circumstances that are causing a delay in the completion of construction at 135 Central St., the premises for an all alcoholic beverages restaurant. The 2019 license has not been issued. Since March 14, 2019 when Mr. Tamajong appeared before the Commission, the electrical work has remained incomplete. The electrician has not responded to requests to complete the work, and other electricians are too busy. Chairman Descoteaux expressed empathy for the delay caused by unresponsive contractor. Chairman Descoteaux asked Mr. Tamajong to plan to return for a meeting in July; the Executive Secretary will contact you.

The Commission opened the public hearing on the application by Merrimack Ales, LLC, Adam Pearson, LLC Manager, for a Farmer Series Pouring Permit, for premises at 92 Bolt Street, Unit 2, two means of egress; taproom area 750 sq. ft.; total area inclusive of brewing area 6,005 sq. ft. Adam Pearson was present. Mr. Pearson stated the brewery has been opened since 2015. He has been offering 2 oz. samples and selling growlers. Merrimack Ales now has a taproom after the landlord completed renovations of the warehouse building in compliance with building and fire code. Mr. Pearson would like to sell 12 oz. and 16 oz. glasses of beer during public hours which will be 3 p.m. to 8 p.m., Thursday, Friday, and Saturday. Chairman Descoteaux opened the hearing for public comment, requesting to hear from individuals who wish to speak in favor of the application. Richard Pitkin of 26 Waverly Ave., Lowell spoke in favor of the application.

Chairman Descoteaux opened the hearing for individuals who wished to speak in opposition to the application. There was no one to speak in opposition. The public hearing was declared closed and the following action taken: motion by Commissioner McCarthy, second by Commissioner Howe, the Commission voted to approve the Farmer Series Pouring Permit for Merrimack Ales, LLC for premises at 92 Bolt Street, Unit 2, taproom area 750 square feet, for the calendar year to expire December 31, 2019. The Commission approved Adam Pearson as manager of record for Merrimack Ales, LLC.

The Commission opened the public hearing on the application by Kabana's Bar & Lounge, LLC, Joverson Silva, LLC Manager, for an all alcoholic beverages restaurant license for premises at 490 Central Street, a two-story building: basement (1,535 SF) for storage; first floor (2,024 SF) including dining area, bar, one (1) entrance and three (3) exits; and second floor (2,024 SF) including function hall, bar area, one stairwell entry and exit, and one fire exit; outdoor seating (590 SF). It is requested that Joverson Silva be approved as manager of record. The following applications were filed for Kabana's Bar & Lounge, LLC: common victualler license; and, entertainment in a licensed restaurant – for live music, disc jockey, juke box. The following individuals were present: Joverson Silva, and Attorney David Plunkett, legal counsel for Kabana's Bar & Lounge, LLC. The Executive Secretary requested the Commission to consider voting on whether to enter into executive session to comply with, or act under the authority of, MGL Chapter 6 Section 172. The Commission, on a motion by Commissioner Howe, second by Commissioner McCarthy, voted by roll-call to enter into executive session in order to review a CORI report, Chairman Descoteaux – yes, Commissioner Krieger – yes, Commissioner McCarthy – yes, Commissioner Howe – yes, Commissioner Donahue – yes. At 6:45 p.m., the

Executive Secretary announced the Commission will return to the Council Chamber to vote to resume regular session. At 6:55 p.m., the Commission, on a motion by Commissioner Donahue, second by Commissioner Howe, voted by roll-call to return to regular session, Chairman Descoteaux – yes, Commissioner Krieger – yes, Commissioner McCarthy – yes, Commissioner Howe – yes, Commissioner Donahue – yes. Attorney Plunkett addressed the Commission on behalf of Joverson Silva, owner and proposed manager of record for Kabana’s Bar & Lounge, LLC. Attorney Plunkett stated that Mr. Silva is TIPS certified and Crowd Manager certified. Mr. Silva had worked for the previous licensee Lowell Steakhouse, Inc. in 2018. The Commission reviewed the affidavit of abutters’ notification by the applicant for an original license. The affidavit and white postal slips, and green return receipts were ordered to be placed on file. Chairman Descoteaux opened the hearing for individuals present who would like 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 for individuals present who would like to speak in opposition of 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 grant an all alcoholic beverages restaurant license to Kabana’s Bar & Lounge, LLC, premises at 490 Central Street for the calendar year to expire December 31, 2019. The Commission voted to approve Joverson Silva as manager of record for Kabana’s Bar & Lounge, LLC. It was voted to grant licenses for common victualler, and for entertainment in a licensed restaurant for live music, disc jockey, juke box for calendar year 2019.

The Commission reviewed the application by Jeffrey D. Summers, d/b/a Brothers Auto Group, for a Second Hand Motor Vehicles, used car Dealer, Class II license, for premises at 700 Broadway, open lot approx. 3,760 sq. ft. with office in adjacent building approx. 600 sq. ft. Presently, Al Asad Theeb, d/b/a Brothers Auto Sales, license # 735-B, has the Class II license for said premises, original license granted in 2011. Jeffrey Summers was present. Mr. Summers addressed the Commission answering questions from Commissioners Krieger and Donahue. Commissioner Donahue stated he had driven by the site, taking note of the company Boston Concrete, located at the rear of 700 Broadway. Commissioner Krieger asked about the storage of vehicles for sale. Commissioner Donahue also asked about storage in the present location for Brothers Auto Sales. Mr. Summers stated he would have twenty (20) vehicles; there would be no repairs on the lot. He has experience, having worked for a dealer in Somerville. The Commission, on the motion by Commissioner Krieger, second by Commissioner Donahue, voted to grant a Second Hand Motor Vehicles license, Class II, used car Dealer [766-B] to Jeffrey D. Summers, d/b/a Brothers Auto Group, for premises at 700 Broadway for the calendar year 2019, expiration January 1, 2020. The Commission voted to cancel the Class II license for Al Asad Theeb, d/b/a Brothers Auto Sales, license # 735-B.

Chairman Descoteaux, on the advice of Assistant Solicitor Gordon, recused himself from the following business before the Commission, a change of manager application by LD Holdings LLC.

Commissioner Krieger presiding, the Commission reviewed the application by LD Holdings LLC, d/b/a Bar 74 Lounge & Grill, all alcoholic beverages restaurant licensee at 74 Merrimack Street for change of manager of record to Abigail Murphy of Lowell, MA. Abigail Murphy and

Lauren DiSalvo were present. Ms. Murphy stated she had been operations manager at Dudley's; she is TIPS certified. Commissioner Howe asked about her experience identifying underage persons seeking entry into Bar 74. Ms. Murphy stated that Massachusetts IDs will be checked for individuals, with an ID scanner. Commissioner Donahue commented favorably when speaking to Ms. DiSalvo about the application filed for change of manager. The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to approve Abigail Murphy as manager of record for LD Holdings, LLC, d/b/a Bar 74 Lounge & Grill.

Chairman Descoteaux returned to the meeting.

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

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