

Date: June 10, 2021

Time: 6:00 PM

Location: This meeting is being held remotely in accordance with the Governor of Massachusetts' March 12, 2020 order suspending certain provisions of the Open Meeting Law G.L. 30A, Section 20.

ROLL CALL:

On a roll call at 6:07 PM, members present were, namely: Chairman Descoteaux, Commissioner Donahue, Commissioner McCarthy, Commissioner Howe, and Commissioner Krieger.

MINUTES:

1. Acceptance of meeting minutes for May 20, 2021.

Commissioner Howe requested a correction to page three, item number eight of the meeting minutes for May 20, 2021, at the bottom. She had reviewed the community block grant info, not the PPP info, and due to importance of the issue wanted the clarification on the record.

Commissioner Krieger made a motion to correct and place on file the minutes from the Lowell License Commission Meeting of Thursday, May 20, 2021; seconded by Commissioner Howe. 5 years, APPROVED.

2. Application by BCFC Park LLC, Renato Valentim, Manager, for a "Lodging House License" for premises at 278-280 Central Street, a 27 room facility.

Mr. Valentim was not present; Atty. Di Marco was present to represent Mr. Valentim and BCFC Park LLC. Mr. Di Marco stated that Mr. Valentim had entered into a purchase of the lodging house at 278-280 Central Street, which is a historical rooming house with a restaurant located on the first floor. Mr. Di Marco reviewed Mr. Valentim's business experience and work history, including ownership in similar businesses in Massachusetts and ownership in other businesses in the City of Lowell. Mr. Di Marco conveyed that Mr. Valentim understands the regulations regarding Lodging Houses. Commissioner Howe noted that all her questions were answered. Commissioner Donahue asked if Mr. Valentim had plans for fixing up the property. Mr. Di Marco said that Mr. Valentim was aware that the property needs maintenance and that he understands that there are special concerns in restoring the property because it is a historical property.

Commissioner Donahue made a motion to approve the application by BCFC Park LLC, Renato Valentim, Manager, for a "Lodging House License" for premises at 278-280 Central Street, a 27 room facility.; seconded by Commissioner Krieger. 5 years, APPROVED.

3. Application by Rosaly Lopez-Bracetty for a "Special One Day License to sell/dispense Malt Beverages & Wines only, or either one," for a 'Sweet 16' event at the function hall at the Hellenic American Academy School on June 26, 2021, 7:00 PM to 11:00 PM.

Ms. Lopez-Bracetty stated that due to Covid closures and delays, her daughter missed out on having a Quinceanera last year, and she wanted to hold a Quinceanera - style "Sweet 16" for her daughter with beer for the adult guests. Commissioner Descoteaux asked if a bartender would be present. Ms. Lopez-Bracetty replied that there wasn't but that she understood that she would be responsible for the alcohol if the license was issued to her, and that members of the family were

in the LPD and LFD, and that no underage drinking would be tolerated. Commissioner McCarthy asked how many would be in attendance, and Ms. Lopez-Bracetty replied that 139 were invited.

Commissioner McCarthy made a motion to approve the application by Rosaly Lopez-Bracetty, for a "Special One Day License to sell/dispense Malt Beverages & Wines only, or either one," for a 'Sweet 16' event at the function hall at the Hellenic American Academy School on June 26, 2021, 7:00 PM to 11:00 PM.; seconded by Commissioner Howe. 5 years, APPROVED.

4. Public hearing on the application by Ample Beer and Wine Store, LLC, Em Quach, Manager, for a "Wines and Malt Beverages" package store license for premises at 260 High Street, retail floor space approximately half (1,105 sq. ft.) of the first floor of the building.

Attorney John Cox, representing Ample Beer & Wine, reviewed the Quach's work history and responsibilities, and noted that Mr. & Mrs. Quach live with their two sons over the pharmacy (where she is the pharmacist) and the adjacent space where they plan on opening Ample Beer and Wine. Attorney Cox described the location, entrance, and parking; he also noted that since the family lives above the store, they're able to keep a close eye on the place. Commissioner Howe asked how the employees will ensure that no minors are served, and Mrs. Quach replied that all employees will be TIPS Off-Site Certified (Training and Intervention Procedures for Servers of alcohol).

No one spoke in favor or in opposition at the public hearing.

Commissioner McCarthy made a motion to approve the application by Ample Beer and Wine Store, LLC, Em Quach, Manager, for a "Wines and Malt Beverages" package store license for premises at 260 High Street, retail floor space approximately half (1,105 sq. ft.) of the first floor of the building.; seconded by Commissioner Donahue. 5 years, APPROVED.

5. Application by the non-profit Yashi's Haven, Yashira Hernandez, Owner, for a "Special Events Permit for Amplified Outdoor Public Entertainment," for the "Shout Walk-A-Thon" Fundraiser, to be held on Saturday, June 12, 2021 from 3:00 PM to 6:00 PM at Sampas Pavilion on Pawtucket Boulevard.

Ms. Hernandez described her newly filed non-profit, an organization that supports victims of domestic violence. She was recently a resident of Lowell and has moved to Danvers. She seeks to hold a fundraiser walk-a-thon starting at Tsongas Arena and ending at Sampas Pavilion, where there will be entertainment, games for the kids, and food & non-alcoholic beverages will be served. Commissioner Donahue asked if the walk had been coordinated with the LPD, and it has.

Commissioner McCarthy made a motion to approve the application by the non-profit Yashi's Haven, Yashira Hernandez, Owner, for a "Special Events Permit for Amplified Outdoor Public Entertainment," for the "Shout Walk-A-Thon" Fundraiser, to be held on Saturday, June 12, 2021 from 3:00 PM to 6:00 PM at Sampas Pavilion on Pawtucket Boulevard; seconded by Commissioner Howe. 5 years, APPROVED.

6. Application by MBOA Alliance LLC [d/b/a] Sahel Restaurant & Lounge, Peter Tamajong, Manager, for an "All Alcoholic Beverages" Restaurant license for premises at 135 Central Street. It is requested that legal notice be published in local newspaper, and public hearing to be held on June 24, 2021 at 6:00 PM.

Commissioner Howe made a motion to approve the request for a hearing by MBOA Alliance LLC [d/b/a] Sahel Restaurant & Lounge, Peter Tamajong, Manager, for an "All Alcoholic Beverages" Restaurant license for premises at 135 Central Street. It is requested that legal notice be published in local newspaper, and public hearing to be held on June 24, 2021 at 6:00 PM.; seconded by Commissioner McCarthy. 5 years, APPROVED.

7. Application by Dean Dairy Inc., [d/b/a] Heritage Farms Ice Cream, Robert J. Howard Jr., Owner, for a "Special Events Permit for Amplified Outdoor Public Entertainment," for a series of summer events, to be held every Monday, Tuesday, and Wednesday evening between June 14th and September 30th, from 5:00 PM to 9:00 PM at Heritage Ice Cream, 163 Pawtucket Boulevard.

Mr. Howard corrected the request, which should have read "Monday, Tuesday, and Thursday."

Mr. Howard reviewed a little of the 40 years history of Heritage Farms summer events.

Commissioner Krieger mentioned there had been an issue in the last couple of years regarding motorcycles ending up across the street in the park to which Mr. Howard asserted that there would be no issue this year.

Commissioner Donahue made a motion to approve the application by Dean Dairy Inc., [d/b/a] Heritage Farms Ice Cream, Robert J. Howard Jr., Owner, for a "Special Events Permit for Amplified Outdoor Public Entertainment," for a series of summer events, to be held every Monday, Tuesday, and Thursday evening between June 14th and September 30th, from 5:00 PM to 9:00 PM at Heritage Ice Cream, 163 Pawtucket Boulevard; seconded by Commissioner McCarthy. 5 years, APPROVED.

8. Application by The Brush Art Gallery & Studios, Jim Dymont, Executive Director, for a "Special One-Day License to Dispense Wines Only," for a series of five two-hour "Artist Receptions" to be held at 256 Market Street. The proposed dates and times are: June 19th, 2-4 PM; August 14, 2-4 PM; September 30, 5-7 PM; October 24, 1-3 PM; and December 4, 2-4 PM.

Commissioner Howe made a motion to approve the Application by The Brush Art Gallery & Studios, Jim Dymont, Executive Director, for a "Special One-Day License to Dispense Wines Only," for a series of five two-hour "Artist Receptions" to be held at 256 Market Street. The proposed dates and times are: June 19th, 2-4 PM; August 14, 2-4 PM; September 30, 5-7 PM; October 24, 1-3 PM; and December 4, 2-4 PM; seconded by Commissioner Donahue. 5 years, APPROVED.

9. Communications from Brian Gibbons, regarding allegations of misconduct by C&S Auto (Cascada & Son).

Attorney Kerry Jenness provided a legal opinion of the complaint and the context of prior litigation relating to said complaint: Kerry stated that as she reviewed the complaint, she felt that it would be more appropriately addressed in a court and that in fact she discovered a small claims action had been filed and a stipulation of dismissal was signed by both parties and entered by the Court. On this basis, because the parties represented to the court that the claim was settled, she recommended the Commission place this on file and take no further action.

Motion by Commissioner Donahue to place this matter on file.; seconded by Commissioner McCarthy. 5 years, APPROVED.

Mr. Gibbons requested an opportunity to speak to the Commission regarding his complaint.

With the understanding that the matter is considered legally settled, Commissioner McCarthy requested that Mr. Gibbons provide a short synopsis of "what he thought the problem was" so that it would be filed in the Commission records with his complaint. Commissioner Howe agreed that she would like to hear what the disposition was so that it would go on the record, but that no further action would be taken nor would any decision would be made, because the matter was legally settled.

Mr. Gibbons made allegations related to C&S Auto, including that they re-sold him a car that had been purchased from a "junk car" dealer and that the car did not pass state inspection. Mr.

Gibbons stated that he had attempted to litigate the matter in Small Claims Court but that the

merits of the case were not reached due to procedural errors. Mr. Gibbons stated that he gave C&S Auto an opportunity to fix the car at the Attorney General's office's suggestion and alleged that after a week of feeble efforts to repair the car, C&S brushed him off. Commissioner Descoteaux asked Attorney Jenness if, due to the seriousness of the allegation, there was any way this could be followed-up by an appropriate party at City Hall. Commissioner Howe agreed that the matter should be looked into, and that because the City License Commission granted the license, the appropriate City of Lowell entity responsible for enforcing the law should make sure that (C & S Auto) is following the law, but that the Commission should not be involved in any litigation. Attorney Jenness recommended that Development Services could look into the matter. Attorney Jenness also reminded the Commission that these are allegations and that there has been no hearing, and we do not know what anyone did or did not do, so it should not be on the record that these actions by C & S Auto took place.

10. Continued discussion and/or vote regarding 2021 license fees for bars and restaurants.

Commissioner Descoteaux asked the other Commissioners how they wanted to proceed regarding license fees for 2021. Commissioner Descoteaux noted that in his opinion, he found the distribution of PPP money to restaurants to be uneven and that he suspected that some businesses applied for much more than others. Commissioner Krieger suggested that he felt comfortable with waiving six months' fees for restaurants and bars. Commissioner McCarthy agreed with Commissioner Krieger. Commissioner Howe mentioned that the City Manager had said there wasn't room in the budget to waive fees, but that she did support waiving the first three months' fees. Commissioner Donahue discussed a conversation with a restaurant owner and how the PPP money was mostly used for salary and utilities, and that restaurants and bars barely survived, even with the monies given to them; he agreed with waiving six months' fees for bars and restaurants. Commissioner Descoteaux stated that in light of the \$76 million in American Rescue Plan funds the City is expected to receive, he supports waiving six months' fees for restaurants and bars. Regarding package stores, Commissioner Krieger noted that they were able to operate close to capacity for much of the pandemic, and he supported only waiving three months' fees for package stores. Commissioner McCarthy agreed and stated that since package stores stayed open while restaurants and bars had to close, he supported three months' fee waived for package stores. Commissioner Howe agreed with Commissioner Krieger about waiving three months' package store fees, and stated that in light of the pending federal monies, she would support six months' fees waived for restaurants and bars. Commissioner Donahue noted that package stores did have to close for a short period of time, but that the governor made package stores one of the first "necessary" businesses and allowed them to reopen right away as essential.

Motion by Commissioner Krieger to waive six months fees for restaurants and bars.; seconded by Commissioner McCarthy. Roll-Call vote: Commissioner Descoteaux: Yes; Commissioner Donahue: Yes; Commissioner Howe: Yes; Commissioner Krieger: Yes; Commissioner McCarthy: Yes. 5 yeas, APPROVED.

Word out to licensees about what is due to the city.

ADJOURNMENT:

Commissioner Krieger made a motion to adjourn at 6:53 PM; seconded by Commissioner Howe. 5 yeas, APPROVED.

**Submitted by: John Pyers
Executive Secretary**