

Minutes for the Lowell License Commission meeting for Thursday, August 20, 2020 at 6:00 p.m., held In compliance with Governor Baker's Emergency Order Modifying the State's Open Meeting Law Issued March 12, 2020 by ZOOM:

<https://zoom.us/j/6758760853?pwd=bGtmT1R2UW9HTGtpdEoxUGFieVJMdz09>

Meeting ID: 675 876 0853

Passcode: 2xRBR8

Present: John Descoteaux, Commissioner, Chairman, Commissioners Clifford Krieger, Terry McCarthy, Martha Howe and Joseph Donahue; and Adam LaGrassa, Assistant City Solicitor, Captain James Hodgdon of the Lowell Police Department.

Chairman Descoteaux convened the meeting at 6:00 p.m.

The Commission, on the motion by Commissioner Krieger, second by Commissioner Howe, voted to approve the meeting minutes for July 30, 2020; and on the motion by Commissioner Krieger, second by Commissioner Donahue, voted to approve the executive session minutes for July 30, 2020.

The Commission opened the public hearing on the application by Bhumi Liquors, Inc., d/b/a Pacific Liquors, Ila Bhagat, Mgr., all alcoholic beverages package store licensee at 421 Central St., for change of officers, directors, and transfer of corporate stock. Peter J. Nicosia, Esq. of Nicosia & Associates, P. C., Tyngsboro was present as legal counsel for Bhumi Liquors, Inc. The Commission duly noted that a legal notice was published in Lowell Sun newspaper July 31, 2020. Attorney Nicosia stated there is no change in operation. There will be an inter-family transfer: Vimalkumar Patel will relinquish the office of President, and be removed as a Director; Mr. Patel will transfer 50% of the stock. Ms. Ila Bhagat as a 50% shareholder will relinquish 25% of stock. The proposed new President, a Director and 40% shareholder is Deepa Dhawal Patel; new Secretary, a Director and 35% shareholder is Sunnykumar J. Patel. Attorney Nicosia stated the change of officers and directors for Bhumi Liquors, Inc. will be filed with the Corporations Division, Secretary of the Commonwealth, subject to License Commission approval, to be then sent the application to the A.B.C.C. The new people have TIPS certification. The hearing was declared closed; the Commission, on the motion by Commissioner Howe, second by

Commissioner Krieger, voted to approve change of officers, directors, and stock transfer for Bhumi Liquors, Inc.

The Commission opened the public hearing on the application by Shiv-Kris Corporation, d/b/a Powers Liquor, Jay Patel, President, all alcoholic beverages package store licensee for premises at 23 Wood Street, for alteration of premises with additional retail and storage space from 4,414 sq. to 7,614 sq. ft. Attorney Matthew S. Porter of So. Easton, MA appeared as legal counsel for Shiv-Kris Corporation. The Commission reviewed Attorney Porter attestation of sending to abutters to premises 23 Wood St. the published legal notice in the Lowell Sun newspaper on August 10, 2020. The Commission received the green return receipts as a record of abutter notification from Attorney Porter. Attorney Porter stated that the [Market Basket] shopping mall has a vacant unit adjacent to [Powers Liquor]. Shiv-Kris Corporation has entered into a lease agreement with the landlord to expand the store to the adjacent unit, approximately 3,200 sq. ft. There was no remonstrant to appear at the hearing. The hearing was declared closed; the Commission, on the motion by Commissioner Donahue, second by Commissioner McCarthy, voted to approve the alteration of premises by Shiv-Kris Corporation, d/b/a Powers liquor, for premises at 23 Wood St.

The Commission opened the hearing for LD Holdings, LLC, d/b/a Bar 74 Lounge & Grill, 76-78 Merrimack Street, the all alcoholic beverages restaurant licensee, to determine the status for renewal of license for calendar year 2020. Chairman Descoteaux asked if anyone wished to comment. Assistant Solicitor LaGrassa, stated that since the mailing address for Ms. DiSalvo had changed from Cortlandt Manor, NY to Porter Ranch, California, given the information from the United States Postal Service notice "return to sender," made the recommendation to re-send [notice of hearing] to the new address. Commissioner Krieger stated agenda items 3 and 4 should be sent to California. Commissioner Donahue stated the onus is on the licensee; adding that the matter of LD Holdings licensees was raised in March. Commissioner Howe agreed with Adam; before [a decision], put the item on the next meeting. Commissioner McCarthy asked about information on the landlord. At the conclusion of discussion, the Commission, on the motion by Commissioner Krieger, second by Commissioner Donahue, voted to

continue hearings for LD Holdings, LLC, d/b/a Bar 74 Lounge & Grill, and LD Holdings, LLC, d/b/a Revolution, 74 Merrimack St., to the next regular meeting [September 17, 2020], that written notices be sent to Lauren DiSalvo at the residential address Porter Ranch, CA 91326-1021, copy notices to the landlord [Trs YJY 72 Merrimack Realty Trust].

The Commission opened the hearing for LCRC, Inc., d/b/a Dudley's, 19 Merrimack Street, all alcoholic beverages restaurant licensee to determine the status for renewal of license for calendar year 2020. Chairman Descoteaux addressed the email from legal counsel for LCRC, Inc., Attorney Mike Zaim, dated August 12, 2020, which reads, in part “my client has reached a Lease Termination Agreement with the landlord and as such will not be seeking renewal of the License.” The Commission, on the motion by Commissioner McCarthy, second by Commissioner Howe, voted to place Attorney Mike Zaim’s communication on file, and to cancel the LCRC, Inc. all alcohol beverages restaurant license for calendar year 2020.

The Commission discussed the Executive Secretary request to review the fee for publication of legal notice in the local newspaper as established in the Alcohol Beverages Regulations for Licenses Issued by the Lowell License Commission. Chairman Descoteaux asked Asst. Solicitor LaGrassa for his opinion. Asst. LaGrassa stated a review is meant to off-set an increase in costs charged for publication. The Commission, on the motion by Commissioner Donahue, second by Commissioner Howe, voted to schedule the hearing for the next regular meeting [September 17, 2020] for review of the increase in the publication fee to off-set costs for publication.

Chairman Descoteaux called for a motion for a roll-call vote to enter into Executive Session – Regarding Matter of Litigation, Namely Blue Shamrock, Inc. v. Lowell License Commission, Public Discussion of Which Could Have a Detrimental Effect on the City’s Position; motion made by Commissioner Krieger, second by Commissioner Howe. The roll-call: Chairman Descoteaux – yes, Commissioner Krieger – yes, Commissioner McCarthy - yes, Commissioner

Howe – yes, Commissioner Donahue – yes; five (5) yeas. The Commission, on the motion by Commissioner Krieger, second by Commissioner Howe, voted to adjourn in executive session.

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