

Minutes for the Lowell License Commission meeting for Thursday, September 12, 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 Adam LaGrassa, Asst. City Solicitor, and Captain James Hodgdon of the Lowell Police Department.

The Commission, on the motion by Commissioner Donahue, second by Commissioner Howe, voted to approve meeting minutes for August 22, 2019.

The Commission reviewed the application for special one-day license to sell/dispense malt beverages and wines only, or either one from Ashley Roper, Catering Manager, Aramark, for Launch Mixer (new faculty to meet current faculty), Friday, September 13, 2019, 2:00 p.m. to 6:00 p.m., at the Allen House, 2 Solomont Way. Ashley Roper was present. The Commission, on the motion by Commissioner Donahue, second by Commissioner Howe, voted to approve license for Ashley Roper of Aramark for September 13, 2019.

The Commission reviewed applications for special one-day license to dispense wines only from Steve Syverson, President, Arts League of Lowell, for the following events at 307 Market Street:

Artists' reception - "Exposed" b/w photography, Saturday, October 5, 2019, 4:00 p.m. to 6:00 p.m.;

Artists' reception - Roberta Bloom/Steve Syverson: New work, Saturday, October 19, 2019, 4:00 p.m. to 6:00 p.m.; and Artists' reception - 100 & Below, Saturday, December 7, 2019, 6:00 p.m. to 8:00 p.m.

Steve Syverson was present. The Commission, on the motion by Commissioner Howe, second by Commissioner Krieger, voted to approve licenses for Steve Syverson of Arts League of Lowell.

The Commission reviewed the application for special events permit for the amplification of sound from Geoffrey Koetsch, Coordinator, Merrimack Valley Sierra Club, acoustic guitar, singer, PA system, "Lowell Drives Electric", Saturday, September 21, 2019, 12:00 noon to 5:00 p.m., Heritage Farm Ice Cream and Restaurant parking lot, Pawtucket Blvd. Geoffrey Koetsch was present. The Commission

approved the amplification permit for Geoffrey Koetsch for September 21, 2019 on the motion by Commissioner Donahue, second by Commissioner Howe.

The Commission reviewed the application by Aaronap Cellars LLC, Noel A. Powell, Manager, a Farmer Winery FW-LIC-000084, for a license to sell wine at a Farmer's Market at the premises of 250 Jackson St., Mill No. 5, 4th floor, space #13, or 5th floor, space #27, Sundays commencing September 1 thru December 29, 2019, 11:00 a.m. to 3:00 p.m. Noel Powell was present. The Commission, on the motion by Commissioner Donahue, second by Commissioner Howe, approved the license to sell wine at a Farmer's Market by Aaronap Cellars LLC for the period from September 1 to December 29, 2019 at Mill No. 5, 250 Jackson St.

The Commission opened the public hearing on 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 following individuals were present: Piseth Hem and Attorney Arthur Sullivan, legal counsel for Piseth Hem Inc. Chairman Descoteaux asked Attorney Sullivan about the transfer of license. Attorney Sullivan introduced Mr. Piseth Hem as the buyer of the assets of the package store, and Mr. Hem will lease the building. Mr. Hem presently works for King Liquors as a store clerk. A series of questions were asked of Mr. Hem by the Commission about his work experience, and knowing the means to identify underage patrons. Mr. Hem informed the Commission that he will use a scanning device for identification cards. 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 Donahue, second by Commissioner Krieger, voted to approve the transfer of license from

King Liquors, Inc. to Piseth Hem Inc., for premises at 326 Fletcher St. The Commission approved Piseth Hem as approved as manager of record for Piseth Hem Inc.

The Commission reviewed the application for special events permit for the amplification of sound from Francey Slater, Mill City Grows, Inc., DJ, PA system, Mill City Grows Harvest Fest, Saturday, September 28, 2019, 11:00 a.m. to 3:00 p.m., North Common Park, 413 Fletcher St. Francey Slater was present. The Commission approved the amplification permit for Francey Slater for September 28, 2019 on the motion by Commissioner Donahue, second by Commissioner Howe.

The Commission ratified the issuance of the special events permit for the amplification of sound to Parul Sanghvi, Treasurer, GURJAR, dance, and singers, GURJAR Heritage Fest 2019, Saturday, September 7, 2019, 12:00 noon to 7:00 p.m., Sampas Pavilion, 160 Pawtucket Blvd.; motion by Commissioner Krieger, second by Commissioner Howe.

The Commission opened the hearing continued from August 8, 2019 on the application by LP Auto Center, Inc., Celso Lopez, President, for a Second Hand Motor Vehicles license, Class II, used car Dealer, for premises at 493 Princeton Blvd. The following individuals were present: Celso Lopez, and Attorney Francisco J. Rosa, legal counsel for LP Auto Center, Inc. Chairman Descoteaux requested an explanation as to improvements made at 493 Princeton Blvd. since the Commission discussed the appearance of the open lot on August 8, 2019. Attorney Rosa, first, introduced Mr. Jose DaCosta, a resident of Baldwin Street, as an abutter to 493 Pawtucket Blvd. Mr. DaCosta confirmed his support for LP Auto Center's application for used car Dealer license. Chairman Descoteaux stated that he drove by the open lot earlier in the day, and offered to show three (3) pictures he took that show storage of items that will need to be stored indoors or removed from the open lot. Mr. Lopez and Attorney Rosa approached the Commissioners table to view the pictures on Chairman Descoteaux's cell phone. Chairman Descoteaux stated that he sees the improvement but not to my liking. Commissioner Donahue stated he has seen a 100% improvement but there are a few outside issues, such as moving a lawn mower, and grille.

Commissioner Krieger stated a little more work needs to be done. Attorney Rosa stated that his client [Mr. Lopez] would like to move forward. Chairman Descoteaux asked Assistant Solicitor LaGrassa about the License Commission granting a [Class II] license, conditionally, pending a follow-up inspection on or about September 20th. Asst. Solicitor LaGrassa recommended a hearing should the Commission upon granting the license consider revocation after discovering non-compliance with conditions of the license. Commissioner Donahue commented on the three items that need to be rectified. Mr. Edward Caufield, resident on Princeton Blvd., and Ms. Penny Cartier, resident on Lauriat St., addressed the Commission. They spoke of their recent meetings with Mr. Lopez, and thanked the Commission for their attention to the details of LP Auto Center's open lot. Chairman Descoteaux informed Mr. Lopez not to store tires in back of the building. At the conclusion of discussion, the Commission, on the motion by Chairman Descoteaux, second by Commissioner Krieger, voted unanimously to grant the Second Hand Motor Vehicles license, Class II, used car Dealer, #769-B, for LP Auto Center, Inc., Celso Lopez, President, premises at 493 Princeton Blvd., open lot approx. 900 sq. ft. for the sale and display of not more than five (5) motor vehicles at corner of Lauriat Street; office area within garage, for license year to expire January 1, 2020.

Commissioner Howe recused herself from the next agenda item.

The Commission opened the hearing for The Last Safe, Inc., d/b/a The Last Safe & Deposit, Timothy Kelleher, Manager, all alcohol beverages restaurant licensee at 160 Merrimack St. to review ABCC decision finding The Last Safe in violation on July 16, 2019; and, to review the two-day suspension held in abeyance by License Commission for one-year on March 28, 2019. The following individuals were present: Timothy Kelleher, and Attorney John J. Hartigan, legal counsel for The Last Safe, Inc. Captain Hodgdon read the Superintendent of Police letter to the Commission dated July 23, 2019 which addressed the License Commission decision of the alcohol beverages license granted and issued to The Last Safe, Inc., [two (2) days had been served] two (2) days held in abeyance for one (1) year. Captain Hodgdon

stated that the Alcoholic Beverages Control Commission (A.B.C.C.) found The Last Safe, Inc. to have permitted an illegality on the licensed premises on July 16, 2019. The decision of the A.B.C.C. was a suspension of the alcohol beverages license for six (6) days, one (1) day to serve, five (5) days held in abeyance for two (2) years. The Superintendent of Police is requesting the License Commission consider imposing the two (2) days suspension held in abeyance by finding the A.B.C.C. decision cause to impose additional disciplinary action against The Last Safe, Inc. Discussion between Chairman Descoteaux and Attorney Hartigan followed. Attorney Hartigan attempted to explain a timeline which the A.B.C.C. investigators cite illegalities on April 5, 2019, the License Commission disciplinary action recorded in a notice of decision dated April 17, 2019, so that the License Commission may have no cause to impose further disciplinary action. Chairman Descoteaux stated he understood that there may be no cause for additional action, but did question the legality of such action in the first place. Chairman Descoteaux asked Assistant Solicitor LaGrassa for his opinion. Asst. Solicitor LaGrassa stated he was not aware of any prohibition against imposing the additional two (2) days based upon a finding by the A.B.C.C. on an unrelated violation. Commissioner Krieger made the motion that no action be taken by the License Commission; motion seconded by Commissioner Donahue. The Commission vote: ayes - Chairman Descoteaux, Commissioners Krieger, McCarthy, and Donahue. Commissioner Krieger stated that it was extreme carelessness of the licensee, that the A.B.C.C. and the License Commission would have reason to suspend the liquor license.

Commissioner Howe returned to the meeting for the next agenda item.

The Commission opened the hearing on the allegation of misconduct as charged by Raymond Kelly Richardson, Superintendent of Police, against the licensee LD Holdings, LLC, d/b/a Bar 74 Lounge & Grill, Abigail Murphy, Manager, all alcoholic beverages restaurant at 76-78 Merrimack St. 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. Attorney Travis Jacobs, legal counsel for LD Holdings, LLC,

was present. Lieutenant David Peaslee of the Lowell Police Department was present. Captain Hodgdon read the Superintendent's letter to the License Commission, dated August 19, 2019. Attorney Jacobs stated the video of the alleged incident at Bar 74 is not the licensed establishment. Chairman Descoteaux questioned Lieutenant Peaslee about the interview with the patron who had filed the incident report with the Lowell Police Department. After further discussion, Chairman Descoteaux noted a discrepancy in the patron reporting the alleged incident having taken place at Bar 74, located at 76-78 Merrimack Street, 1st floor. The incident may have occurred at the establishment Revolution, located at 74 Merrimack Street, 3rd floor. Captain Hodgdon requested to withdraw the Superintendent's communication. The Commission took no action on the alleged misconduct against LD Holdings, LLC, d/b/a Bar 74 Lounge & Grill.

The Commission reviewed the communication from Abigail Murphy dated September 4, 2019 addressed to Lowell License Commission, and Lauren DiSalvo of LD Holdings, 74 Merrimack St., Lowell, MA 01852, to wit, in part: "I would like to notify you that I am resigning from my position as Bar Manager for Bar 74 effective September 4, 2019." Chairman Descoteaux stated to Attorney Jacobs that the licensee, LD Holdings, LLC, is to file application for change of manager within thirty (30) days, not required for the next scheduled meeting on September 26, 2019, but in anticipation of the following meeting scheduled to be held on October 10, 2019. Attorney Jacobs acknowledged the directive from the Chairman.

The Commission reviewed the communication from the Executive Secretary that the property at 278-280 Central Street, Yates Realty, Inc., applicant for Lodging House license, failed inspection - reference communication from City of Lowell Building Commissioner, August 27, 2019, and communication from City of Lowell Fire Chief, August 28, 2019. Commissioner McCarthy made the motion to have Peter Yates, Vice President of Yates Realty, Inc., be sent notice to appear before the Commission at the next meeting [September 26, 2019] to answer to the deficiencies as reported by the Building Commissioner and Fire Chief; motion seconded by Commissioner Howe, so voted.

The Commission, on the motion by Commissioner Howe, second by Commissioner McCarthy, voted to adjourn the meeting at 7:20 p.m.

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