

Minutes for Lowell License Commission meeting, Thursday, January 8, 2015 at 6:30 p.m., Council Chamber, 2nd floor, City Hall, 375 Merrimack St., Lowell, MA 01852

Present: John Descoteaux, Commissioner, Chairman, Commissioners Cliff Krieger, Kristen Hogan, Terry McCarthy, Nancy McGovern; and Captain Thomas Kennedy of the Lowell Police Department.

The Commission reviewed the minutes for meeting December 18, 2014; Commissioner Krieger proposed the following amendments: page 4 " ... so vociferously that back-up was requested, with the incident escalating to ten (10) police cruisers, stripping neighborhoods of protection;" page 5 " ...the lack of control over the situation, per Commission Regulations." Commissioner Krieger made the motion to approve minutes with amendments, second by Commissioner Hogan, so voted.

The Commission reviewed the application for a special events permit for amplified outdoor public entertainment by the City of Lowell for Winterfest, February 20, and February 21, 2015, from 10 a.m. to 12 a.m., at 50 Arcand Dr. Henri Marchand was present as the City representative. Mr. Marchand explained that the annual City event includes music, human dog-sled contest, and family activities. The Commission voted to approve the special events permit on the motion by Commissioner Hogan, second by Commissioner McCarthy.

The Commission reviewed applications for special licenses to sell/dispense malt beverages & wines only, or either one, filed by John Dyson and Edgar Cyrus of the Merrimack Repertory Theatre, for the scheduled theatrical performances at Liberty Hall, 50 East Merrimack St. Mr. Dyson and Mr. Cyrus were present.

John Dyson, the applicant for concession sales/service 45-minutes prior to performance, and 15-minutes intermission, for January 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 29, 30, 31, February 1, 2015 [19 dates]; and for February 12, 13, 14, 15, 16, 19, 20, 21, 22, 25, 26, 2015 [11 dates].

Edgar Cyrus, the applicant for concession sales/service 45-minutes prior to performance, and 15-minutes intermission, for February 27, 28, March 1, 4, 5, 6, 7, 8, 2015 [8 dates]; and for March 19, 20, 21, 22, 25, 26, 27, 28, 29, April 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 2015 [19 dates]. The Commission voted to approve the applications for licenses by Mr. Dyson and Mr. Cyrus on the motion by Commissioner McCarthy, second by Commissioner McGovern.

The Commission reviewed the application for Public Amusement for Show by Chaotic Wrestling Incorporated, Walter J. Jamitkowski, President, for event dates January 30, March 21, May 8, June 19, August 14, October 23, December 11 – 2015, from 7 p.m. to 11 p.m., at the Polish American Veterans Hall, 10 Coburn St. Walter Jamitkowski was present. The Commission voted to approve the application for public amusement license by Chaotic Wrestling on the motion by Commissioner McGovern, second by Commissioner Krieger.

The Commission reviewed the application for Public Amusement for Boxing by Global Spectrum, LP, Keith Vaske, General Manager, for Golden Gloves, January 8, 15, 22, 29, February 5, 12, 20, 25, 26 – 2015, from 7:30 p.m. to 12 a.m., at Lowell Memorial Auditorium, 50 E. Merrimack St., and the application for Public Amusement for Concert by Global Spectrum, LP, Keith Vaske, General Manager, for August Alsina, January 24, 2015 from 8 p.m. to 12 a.m., at Lowell Memorial Auditorium, 50 E. Merrimack St. Todd Stoudenmire, a representative of Global Spectrum, was present. The Commission voted to approve the applications by Global Spectrum on the motion by Commissioner McCarthy, second by Commissioner Hogan.

The Commission reviewed the application by Bishop's Restaurant Inc., d/b/a Bishop's Legacy Restaurant, Charles M. Saba, President, for an all alcoholic beverages Restaurant license for premises at 143 Merrimack Street; first floor two rooms for restaurant; sidewalk seating approx. 380 sq. ft.; kitchen; basement for storage. Charles Saba was present. The Commission, on the motion by Chairman Descoteaux, second by Commissioner Krieger, voted to ratify the publication of a legal notice for January 16, 2015, and the scheduling of the public hearing for January 29, 2015 on the application by Bishop's Restaurant, Inc.

The Commission reviewed the communications dated December 26, and December 30, 2014 from William M. Taylor, Superintendent of Police, that Camila, LLC d/b/a Reservations, Jorge A. Torres, Manager, all alcohol beverages Restaurant licensee at 179 Central Street, that there are allegations of misconduct regarding non-compliance with sections 1.06 and 1.16 of License Commission Alcoholic Beverages Regulations, and ABCC CMR 4.03, Prohibition of Certain Practices. The Commission in a discussion reflected upon the recent issues that came before the licensing board. With the series of complaints about Reservations, the Commission stated there is cause for major concern. The Commission, on the motion by Chairman Descoteaux, second by Commissioner McCarthy, voted to schedule two hearings for Thursday, January 29, 2015 on the two License Commission meeting minutes for January 8, 2015

communications by Superintendent Taylor, each of which alleging misconduct by Camila LLC, d/b/a Reservations.

The Commission discussed the Alcohol Beverages Regulations for Licenses Issued by the Lowell License Commission. Commissioner Krieger proposed the following amendments:

- (1) Law department review of paragraph 1.06 – will the Courts allow License Commission to suspend license for failure to pay taxes;
- (2) Request a polite check of licensees as to compliance of Paragraph 1.13 Display of Licenses and Permits;
- (3) Revise Paragraph 1.21 a, line 3, to wit:

“Upon receipt by the License Commission within an eighteen (18) month period of three (3) reports from the Middlesex County District Attorney's Office, or any other governmental agency, containing information provided to the court by an individual, that said individual was served alcohol at an establishment holding a liquor license in the City of Lowell, prior to committing a motor violation involving operating under the influence of intoxicating liquor:”

Is this one individual three times or three individuals or a mix?

(4) Paragraph 3.01-This is Special Conditions and includes mandating video cameras. Revise to read “may mandate video cameras” after any infraction involving physical misconduct as suggested by a citizen;

(5) Paragraph 4.02, line 9 – Hours of Operation – update Sunday hours for retail package store from 12 noon to 11 p.m. to 10 a.m. to 11 p.m., and amend City website;

(6) Law department review language “. . . applicable penalties under the law” in Paragraph 7.02, line 10 – Special requirements for Certified Art Galleries/Museums. Do we know the penalties, or just our regular remedies? If regular remedies, drop the wording and say we will deny future licenses.

The Commission on the motion by Commissioner Krieger, second by Commissioner Hogan, voted to schedule a public hearing for Thursday, February 12, 2015 at 6:30 p.m. in the Council Chamber on the amendments to Alcohol Beverages Regulations for Licenses Issued by the Lowell License Commission.

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

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