

CITY OF NEWTON

BOARD OF LICENSE COMMISSIONERS

Chair, Kathleen M. McCarthy, Dina E. Conlin & Gloria M. Gavris

Fax: (617) 552-7063 Email: Licensing@newtonma.gov

Minutes

DATE: March 23, 2017

PRESENT: Commissioners: Kathleen McCarthy, Gloria Gavris, Robert DeRubeis, Dina Conlin (present via conference call)

STAFF: Commissioner Deborah Youngblood, Attorney Maura O'Keefe, Sgt. George McMains, Sherri Lougee, Tiffany Sibulkin, Mary Jane Pendergast

The meeting was called to order at 8:35AM.

Applications for the Cove (overseen by Newton Parks and Recreation)

Attorney Maura O'Keefe spoke first regarding bouncy houses and whether or not the Licensing Commission should be licensing them, the proper way they are licensed and if they are even allowed at the Cove. Attorney O'Keefe also discovered there may be Parks and Recreation policies that the Board may not be following. She asked for some insight from Commissioner DeRubeis to see what expectations should be met.

Commissioner DeRubeis responded with an explanation on the 30 year history of Newton Parks and Recreation and how the licenses have been a bit lenient. He spoke about how they have become a problem with children being present. It has been discussed in the past to get rid of alcohol all together. He stated that the Parks and Recreation Department are down to only issuing three to four licenses per year to some corporations.

There was a discussion between Commissioner DeRubeis and Commissioner Gavris comparing St. Mary of Carmen event to the Cove. Though St. Mary of Carmen's beer stand is not held at the Cove, there are events with alcohol there.

Attorney Maura O'Keefe responded with a question about the Parks and Recreation Commission policy regarding the sale of alcohol and the exchange of cash for alcohol.

Commissioner DeRubeis agreed with Attorney O'Keefe. Cash sales were discussed in place of tickets under the Parks and Recreation Commission requirements. It's important stated Attorney O'Keefe to follow a policy and address the grey area and work together with a better understanding. Comparisons were made with St. Mary of Carmen, how they have barriers and are not unique like the Cove, how the Cove has more elements to worry about like the water situation, children, the open areas of the park, etc.

Farmers markets were compared as well. Attorney O'Keefe explained that the ABCC licenses these events and they have different statutes. She is not sure if any other towns allow people to drink on public property. It was also discussed that other towns and cities such as Cambridge utilize the Cove as well.

Commissioner DeRubeis commented, that things are 90 percent less then have been in the past they have tightened up the rules.

Commissioner Gavris agreed that the Parks and Recreation Department should make the call and the Commissioners would support their decision. Commissioner DeRubeis said he will speak to his Commission as well as the chair. Attorney O'Keefe and all of the Commissioners agreed on reviewing the Parks and Recreation policy on alcohol.

Commissioner DeRubeis stated he would give the Licensing Commission a copy of the policy and then it could be revisited. Commissioner McCarthy stated it should be revisited soon. Commissioner Gavis also stated it should be soon as the May events are coming in front of the Board. Attorney O'Keefe stated that they need to adhere to the policies and know there is a longer term solution or resolution because it involves the use and sale of alcohol.

Entertainment and inflatables / rides (bouncy houses)

Attorney O'Keefe spoke about bouncy houses / inflatables / rides and how the process has been convoluted in the past. She pointed out that a flow chart is used and the fact that bouncy houses have not been clear in the past. She pointed out that the Board does not license the individual bouncy houses / inflatables / rides but the actual event. The State licenses bouncy houses, inflatables and rides. Attorney O'Keefe suggested that the Board require proof of the State license such as part of the checklist. Commissioner McCarthy commented that they are not qualified to look out for safety issues. It was agreed by the Commissioners that this should be part of a check list.

Renewal process and fees with review and revision of fee schedule

Sherri Lougee spoke about the renewal process how it has become a very big deal this year. A lot of people were not sticking to the deadline of November 30th. A lot of businesses did not renew on time, three letters were sent out, as well as in some cases six to eight phone calls. She commented on two businesses that were brought to hearing, one in particular was very angry and it was explained he needed to renew by November 30th. Sherri stated she would like a clearer process going forward.

Attorney O'Keefe commented that the process has been very lenient in the past and that the licensees are challenging the deadlines. She suggested reeducating the licensees for the future.

Commissioner McCarthy spoke about increasing the penalty as well.

Deadlines were discussed and the fact that the process can't begin till we hear from the ABCC every year. Commissioner Youngblood agreed on the education piece.

Commissioner Gavis suggested starting the process in August. She asked about the website and the software. She thought it would be a good idea to revamp the website for the future renewal. It was discussed that fifty people did not renew on time.

Commissioner McCarthy suggested having a notice go out before the process begins. If the licensees don't renew by this date they would have to attend a hearing in December and pay a penalty fee if they are not completed by November 30th. This may take a couple of years to reeducate. She stated it's important that the board makes sure no one goes without a license.

Commissioner Youngblood suggested increasing the penalty fee to a hundred dollars. She spoke about how hard the staff has been working this year.

Commissioner McCarthy suggested a meeting to be put on the agenda to address issues of fees and late filing.

Attorney O'Keefe said she would check the statutory limits on their late fees. She may recommend revising the board's regulations to help with that requirement to give enforcement help in the future.

Commissioner Youngblood commented on possibly changing our model and sending a reminder letter out in September she thought this would be very helpful.

It was agreed by the Commissioners that a 7:00PM meeting would be arranged in December and this would be a good incentive. It would state that a penalty will be issued and that it is mandatory for the licensee to attend.

Sherri Lougee presented a list of surrounding cities and towns' renewals and tiered closings. The fees get really confusing, especially the 6 and 7 days and tiered closings. She suggested a new renewal fee for the future, due to all the hard work. She also discussed that the food is being renewed at the same time and it makes it very difficult for the renewal process and noted only a couple of towns have this. Software was discussed and Sherri stated that at this time we are using all paper and that it has been discussed in the past but is not available but perhaps in the future. She discussed the auto fill feature she has been using which makes it a lot easier.

Commissioner McCarthy asked what they can do to make the process easier. Sherri responded that we could send out a letter earlier in August about the deadlines and if they don't renew on time they will have to pay a penalty fee. Commissioner Youngblood asked Sherri if we should recommend standardizing the fees and eliminating tier closing. Sherri agreed, that one Section 15 all alcohol and one beer and wine, as well as one Section 12 restaurant all alcohol and one beer and wine and eliminating 12 -1am closing and the 6-7 day and having only one fee.

Commissioner Gavris said the information was great putting together comparative pricing.

Commissioner McCarthy stated that a memo should be sent to the Commission with an outline of today's meeting and that the board would make considerations for the future.

Commissioner Gavris asked Sgt. George McMains if there had been issues in the past with the closing time of restaurants in the City. Sgt. McMains said there have been no problems in the past five to six years.

Agenda Issues were discussed

- When addressing the Commission could the staff put **Newton Licensing** or **Licensing Agenda** etc. on the subject line
- Entertainment licenses – if the staff could check and make sure they are ABCC caterers.
- The order of the agenda was discussed, entertainment license and one day license should be in the beginning as well as corporate issues such as officers and directors, change of manager, change of hours, etc.
- Groups of one day license should be put at the end on the one day listings.

Meeting adjourned at 9:35AM.

Respectfully submitted by:
Mary Jane Pendergast
Administrative Clerk