

CITY OF NEWTON

BOARD OF LICENSE COMMISSIONERS

Chair, Kathleen M. McCarthy, Dina Conlin & Gloria M. Gavis

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MINUTES

DATE: July 19, 2016

COMMISSIONERS PRESENT: Kathleen McCarthy, Gloria Gavis and Dina Conlin

OTHERS PRESENT: Police Sgt. George McMains, Police Sgt. Kevin Rudd, Maura O'Keefe (Law), Teresa Kett (HHS), Janey Pendergast (HHS)

Notice of Hearing on alleged violations of M.G.L. Chapter 138 and the City of Newton Board of License Commissioners Regulations: Newton Warehouse Wine and Spirits: 241 Needham Street, Newton MA. (Douglas Gordon)

Mr. Gordon was present. Sgt. McMains introduced Sgt. Kevin Rudd who on May 19, 2016 conducted an alcohol compliance check at Newton Warehouse Wine and Spirits. He read his account of the check into the record. Commissioner McCarthy read the violation letter into the record.

Mr. Gordon apologized for the sale and said it's not how he does business. He explained that while he offers no excuse for the alcohol sale to a minor, the clerk who made the sale, Marty, said he thought the young woman was someone else he knows to be of age that frequents the store while he is working. He said it is his store's policy to verify the age of anyone appearing under 35 years old. Mr. Gordon said he is planning to move a more sophisticated identification verification system to this particular store once he sells a store he also owns in Boston. Mr. Gordon said he was embarrassed to be appearing before the Board, and that it wouldn't happen again.

The Commissioners voted 3-0 to issue Newton Warehouse Wine and Spirits a warning for violating M.G.L. Chapter 138, and requested the administrative staff send a letter indicating this.

Councilor Leary requesting reconsideration of the Board of License Commissioners Regulation #19, License Required for Alcohol Consumption, which prohibits the practice of consumption, sale, service or delivery of alcohol without a license more commonly known as BYOB.

Councilor Leary said she would like the Board to reconsider "Bring Your Own Bottle" (BYOB) in light of what other communities are doing, a change in economic situation and because she thinks it would be good for Newton. She introduced three local business owners (listed below with their comments) who spoke in favor of Newton allowing BYOB. She said the additional income for the city provided through taxes and fees would be good. She said rather than being in competition with restaurants with full alcohol licenses, it would provide consumers with more options. She said it would be an opportunity to encourage new restaurants in Newton, and that it would be in line with walkable village centers, especially Waban and Newton Highlands. She said the benefits outweigh any drawbacks, and that Boston, Watertown and Brookline are offering BYOB.

Arthur Andronic owns Moldava restaurant in Nonantum. He said he would love to have an alcohol license, but because of citizenship requirements, he can't. His only option would be to hire someone to apply for him, which he said he would consider in the future, but not right now. He's been open four months, but said it's been hard without being able to sell drinks. Customers have requested it. He said he would collaborate with neighbor Silver Lake Liquors to bring Moldavian wines that go well with the food. He said he's done research and would be serving alcohol properly, checking ids, would have insurance and would be expected to be treated the same way as a place with a regular license, but wouldn't be storing the alcohol onsite.

Commissioner McCarthy said if the Board approved BYOB, there would be a whole set of regulations governing things like that.

Adronic added that he would be counting drinks, checking ids and was familiar with serving beer and wine because he's worked in other places and has been TIP certified and would be willing to do that again. He said it's just him and his wife operating the business, and that it seats 20 people.

Sgt. McMains asked how the content of the drinks brought to the restaurant would be regulated, because some drinks have higher alcohol than others, for example homebrewed drinks.

Adronic said he expected to offer only sealed drinks purchased from a store.

Commissioner Gavis said she looked through materials provided by Ms. O'Keefe and called around to some other place that have BYOB and wanted to hear more public comment on the issue. But because it's July, it might not be the best time over the summer to be taking this up.

John Negrobi, owner of Silver Lake Liquors, spoke in favor of bringing BYOB to Newton, and said surrounding communities offer a special renewable permit annually for around \$1,000. He thought it would be easy to implement something similar safely. He said Watertown has the restaurant manager receive the beer/wine when the patron rings it, put it in a designated area for that table, they have to order food. When the patron leaves, any leftover beer is discarded, and wine is put in an appropriately sealed container designed for trunk carrying.

Jean Khachadourian said he has owned, owned Antoine's since 1964. He said he thought implementing BYOB would enhance the village, making it competitive. He said he's eaten at Moldava, and it's got good food. He said it's disappointing to go into a restaurant and not have wine to enhance the food. He said he thought BYOB would be a great help to the community, and the whole city.

Commissioner McCarthy opened the floor to other people in the room who would like to speak regarding BYOB.

Joan Rosenberg said she lives in Newton Center and grew up in Nonantum. She said she didn't want to see Newton turn into all chain restaurants because the smaller places can't compete without being able to provide a modest amount of alcohol to go with food.

Marie Presti, who lives in Newton Corner, said she has searched on Yelp specifically for BYOB places and has had to go outside of Newton. She said she would love to go to a place in Newton that has great food and that she can bring her own bottle.

Commissioner Gavis asked Mr. Adronic how the two special evenings of wine/malt service went. Gloria: two special wine/malt evenings, how go?

Adronic said the first one went well, but the second one had low attendance. The people who did come were intrigued by what we had. Some customers who came assumed Moldava had a license and came back on another night and were disappointed. He said people come in the restaurant to eat sometimes, and then leave because they don't have alcohol.

Commissioner McCarthy suggested the Board have a discussion during its next meeting about setting up a process for considering BYOB. She asked Ms. O'Keefe to weigh in.

Ms. O'Keefe said she was thinking off the cuff, and outlined a process that may include amending the regulation, creating standard operating procedures for a special regulation. She added Boston has created an ordinance and they're going to have accompanying regulation. She said it's a complicated issue with many requirements that would likely require a whole subset of the regulation.

Councilor Leary said Newton should look closely at Watertown's process.

Commissioner Gavis said she thought for most towns, the genesis of BYOB has been dry towns or towns that have run out of licenses. Gloria: genesis of BYOB, dry towns, or people who have run out.

They asked how many licenses are left, staff informed there are 15 all alcohol, 1 wine/malt left.

Councilor Leary said she hoped the Board would consider it because it would be valuable to Newton and would expand economic opportunities.

Mr. Negrobi said it's not going to work for a lot of places, so it's not something that all of the sudden is going to change Newton.

Commissioner Gavis said she thinks it's more geared toward smaller, 25-seat like venues.

Commissioner McCarthy said the Board could do a couple of things: have another hearing to discuss, or not. She doesn't think there's much more they can do tonight. She said she would like to digest the idea and think about a process to consider it further.

Commissioners Gavis and Conlin agreed.

Commissioner McCarthy requested the item appear on next month's agenda.

Ms. O'Keefe said she would like the Police Dept. to weigh in on BYOB before the Board goes too far into the issue, and cautioned that she thought public comment early in the process could get disorganized without everyone knowing where the Board is going.

Councilor Leary and Commissioner Gavis both said it makes sense to wait until Sept. for further comment.

Ms. O'Keefe said the Commissioners can think about what more they need from her, and she would be happy to assist.

TRANSFER OF STOCK/ NEW OFFICERS AND DIRECTORS

Application filed by: Douglas Gordon, d/b/a Eastern Beverage Group, 241 Needham Street, Newton, MA 02464. **Transfer of stock / new officers and Directors from Anastasios Giannopoulos to Douglas Gordon (100%), to be exercised at 241 Needham Street, Newton, MA 02464**
Item held for the next meeting

ONE DAY TEMPORARY WINE AND MALT (MULTIPLE):

Application filed by: Katherine Hopkins, Mount Ida College, 777 Dedham Street, Newton MA 02459. **For a one day wine and malt license for a private event, Wednesday August 31, 2016 from 3:00 P.M. – 9:00 P.M. to be held at Mount Ida College, 777 Dedham Street, Newton, MA 02459**
Estimated Attendance (65) ages 21+
Approved 3-0

Application filed by: Ellen A. Neacy, 144 Hancock Street, Auburndale, MA. **For a one day wine and malt license for a private event, Saturday, July 23, 2016 from 8:00 P.M. – 10:00 P.M to be held at the Walker Center for Ecumenical Exchange, 144 Hancock Street, Auburndale, MA**
Estimated Attendance (35) Ages 35-55
Approved 3-0, contingent upon receiving Ellen's TIPS certification

Application filed by: Joan Rosenberg, 77 Mondale Road, Newton MA, 02459. **For a one day wine and malt license for a private event, high school reunion potluck, Saturday, August 6, 2016 12:00 noon – 8:00 P.M. to be held at the Auburndale Cove Area #1.**

Approved 3-0, contingent upon receiving TIPS certification and updated insurance certificate

Application filed by: Suzanne Westcott, 21 Essex Rd, Chestnut Hill, MA 02467. **For (7) one day wine and malt licenses for private events.**

Reception

Saturday, October 22, 2016 – 5:00 P.M. – 8:00 P.M.

Church of the Redeemer, 379 Hammond Street, Chestnut Hill, MA 02467

Estimated Attendance: (50) ages (21+)

Approved 3-0

Reception

Sunday, October 30, 2016 – 6:00 P.M. – 8:00 P.M.

Church of the Redeemer, 379 Hammond Street, Chestnut Hill, MA 02467

Estimated Attendance: (100) ages (21+)

Approved 3-0

Chili Cook-off

Sunday, November 6, 2016 – 5:00 P.M. – 8:00 P.M.

Church of the Redeemer, 379 Hammond Street, Chestnut Hill, MA 02467

Estimated Attendance (75) ages all

Approved 3-0

Dinner and Cocktails

Friday, December 2, 2016 – 6:00 P.M. – 10:30 P.M.

Church of the Redeemer, 379 Hammond Street, Chestnut Hill, MA 02467

Estimated Attendance (130) ages (21+)

Approved 3-0, contingent upon receiving TIPS for additional bartenders

Reception

Sunday, February 26, 2017 – 6:00 P.M. – 8:00 P.M.

Church of the Redeemer, 379 Hammond Street, Chestnut Hill, MA 02467

Estimated Attendance (100) ages (21+)

Approved 3-0, contingent upon receiving TIPS for additional bartenders

Reception

Sunday, March 26, 2017 – 6:00 P.M. – 8:00 P.M.

Church of the Redeemer, 379 Hammond Street, Chestnut Hill, MA 02467

Estimated Attendance (100) ages (21+)

Approved 3-0, contingent upon receiving TIPS for additional bartenders

Reception

Sunday, May 14, 2017 – 6:00 P.M. – 8:00 P.M.

Church of the Redeemer, 379 Hammond Street, Chestnut Hill, MA 02467

Estimated Attendance (100) 21+

Approved 3-0, contingent upon receiving TIPS for additional bartenders and updated insurance certificate

Application filed by: Alyssa Hansen, 250 Waltham St, West Newton, MA 02465. **For a one day wine and malt license for a private event (bridal shower), Saturday, August 13, 2016 from 11:00 A.M. – 3:00 P.M. to be held at Fessenden School, 250 Waltham Street, West Newton, MA 02465**

Estimated Attendance (60) ages 25-84

Approved 3-0, contingent upon receiving letter from Fessenden authorizing event and alcohol

ONE DAY TEMPORARY LICENSES (MULTIPLE):

Application filed by: James Costa, 140 Commonwealth Avenue, Chestnut Hill, MA 02467. **For a one day entertainment license for (3) private events to be held at 307 and 325 Beacon Street, Chestnut Hill, MA (Boston College)**

ENTERTAINMENT:

Social Barbecue

Friday, July 22, 2016 – 7:00 P.M. – 9:00 P.M.

Campus Green, Middle Campus, 307 Beacon Street, Chestnut Hill, MA

Estimated Attendance: (300) Ages 21+

Entertainment will consist of Live Music

Approved 3-0, updated attendance to 180 people

Family Fun Barbecue

Saturday, July 23, 2016 – 1:00 P.M. – 4:00 P.M.

Campus Green, Middle Campus, 307 Beacon Street, Chestnut Hill, MA

Estimated Attendance: (300) Ages 21+

Entertainment will consist of Recorded music and Amplification system

Approved 3-0, updated attendance to 265 people

Formal Dinner

Saturday, July 23, 2016 – 7:00 P.M. – 12:00 A.M.

Carney Dining Room, McElroy Commons, 325 Beacon Street

Estimated Attendance: (300) Ages 21+

Entertainment will consist of Recorded Music and Amplification System

Approved 3-0, updated attendance to 240 people

ONE DAY TEMPORARY WINE AND MALT LICENSE AND ONE DAY TEMPORARY ENTERTAINMENT LICENSE (MULTIPLE)

Application filed by: LisaAnn Dukaten, 144 Newtonville Avenue, Newton, MA 02460. **For a one day wine and malt license and a one day entertainment license for a wedding reception, on Saturday, September, 17, 2016 from 11:45 A.M. – to 6:00 P.M. to be held at the Windsor Club, 1601 Beacon Street, Waban, MA.**

Entertainment consists of dancing, live and recorded music.

Estimated Attendance: (135) Ages 2-70

W&M Approved 3-0, contingent upon updated insurance certificate, updated attendance to 125 people

Entertainment Approved 3-0, contingent upon updated insurance certificate

Application filed by: Patrick Andrew Carrera and David R. Stockton, 51 Whitney Road, Newton, MA 02460. **For a one day wine and malt license and a one day entertainment license for a wedding reception, on Saturday, August 27, 2016 from 6:00 P.M. – 10:30 P.M. to be held at St. John's Episcopal Church, 297 Lowell Avenue, Newtonville, MA 02460.**

Estimated Attendance: (50) ages 21+

W& M Approved 3-0, contingent upon receiving updated TIPS certification

Entertainment Approved 3-0

Application filed by: Marie Presti, 701 Washington Street, Newton, MA. **For a one day wine and malt License and a one day entertainment license for a private event, client barbecue, Auburndale Cove, Section #2, West Pine Street, Newton, MA**

Entertainment consists of two steel drums and one magician

Estimated Attendance (100) ages: All

W&M Approved 3-0, contingent upon receiving TIPS certification for Marie Presti

Entertainment Approved 3-0

CONTINUATION OF CHANGE OF MANAGER FROM JUNE 21, 2016 HEARING

Application filed by: JB Newton Bokx, LLC., d/b/a BOKX 109 American Prime, 399 Grove Street, Newton, MA 02462. **Change of Manager from Eric Eastman to Tom Dargon, to be exercised at 339 Grove Street, Newton, MA 02462.**

Manager Tom Dargen will be present.

Approved, 3-0, contingent upon sending TIPS certification

CHANGE OF MANAGER / NEW OFFICERS AND DIRECTORS

Application filed by: Bravo Brio Restaurant Group, Inc., d/b/a, Brio Tuscan Grille, 200 Boylston Street, Newton, MA 02462. **Change of Manager: old manager – Ryan J. Seibold, new manager – Kevin Minghella. New officers/directors (see list) to be exercised at 200 Boylston Street, Newton, MA 02462.**

Applicant did not appear, held to next meeting

Any Other Matters Properly Before the Commission

- Commissioner McCarthy requested that the Board look at the meeting schedule for September through December during its next meeting to be sure the meetings don't conflict with anyone's schedule.
- She also requested to add TIPS certification to the change of manager checklist.
- Commissioner McCarthy requested that approval of minutes from the June meeting and the July meeting appear on the August meeting agenda.

Meeting adjourned at 8:25 p.m.

Respectfully Submitted,
Teresa Kett, MPH, Public Health Program Specialist

Deborah Youngblood, PhD
Administrative Director

cc: Mayor
Chief, Police Department
Inspectional Services Commissioner
Commissioner of Health
Chief, Fire Department
Board of License Commissioners