

CITY OF NEWTON

BOARD OF LICENSE COMMISSIONERS

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

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MINUTES

DATE: October 25, 2016

Present: Commissioners Gloria Gavris and Dina Conlin

Staff: Mary J. Pendergast, Sgt. George McMains, Attorney Maura O'Keefe

Meeting called to order at 6:35 P.M.

September 13, 2016 minutes – approved 2-0

The October 7, 2016 minutes were held over. Commissioner Kathleen McCarthy was not present to approve.

The discussion of the Hotel Indigo special permit was held over until the May 2016 hearing. The Ward 4 special permit was pulled for discussion but was not needed per Commissioner Conlin.

The 2017 hearing schedule was held over until the November 29, 2016 hearing.

BYOB was first on the agenda. The commissioners spoke about how the meeting was noticed via mail to all establishments who hold a common victuallers and via email to all councilman.

Attorney Timothy Perry representing Bertucci's Restaurant spoke first. They were not in favor of the BYOB process considering their investments into their restaurant and how it would affect their business model. They believe in the strict business guidelines including compliance, how this will be monitored, the fact that the police are familiar with the licensees and how to control this. They are concerned that BYOB would make this process harder. They are generally against the whole process. Commissioner Gavris asked if he had any other data from the Boston area or any other surrounding towns. He did not have this information.

Arthur Andronic, owner of Moldova Restaurant at 344 Watertown Street in Newton spoke next. He is in favor of BYOB. He stated that they don't have a full liquor license due to the cost. His customers are disappointed when they find out he doesn't serve alcohol and some end up leaving his restaurant. They are conducting one day events which have expanded their business financially. Commissioner Gavris asked when they were selling the wine on the day of their events what the outcome was. Although good, they needed to turn people away due to the crowds. He mentioned that 40 people or more were turned away on the days that they were serving the alcohol. They would comply with strict guidelines on serving and storing the alcohol and training their staff. They would take control of their dining experience. They were also concerned with people seeking out other towns that did have BYOB. He had conducted his own questionnaire with regards to BYOB he shared with his customers via a mailing list and posted this on Facebook. This had a positive outcome and was kept for the record.

Greg Reibman, Chamber of Commerce President spoke next. The Chamber did not have a position on BYOB due to lack of specific data. He would like more information supporting BYOB so all restaurants could see what this would do for their investment. Mr. Reibman was concerned that legislation was being done for one restaurant and questioning if there was a need. Commissioner Gavris was concerned about the posting of BYOB and if it reached enough people. He was asked if he would mention this to the other members. He was concerned on the communication of the BYOB and how many restaurants are impacted.

John Demaris of Judith's kitchen at 1371 Washington Street, West Newton, MA was in favor of BYOB. They own a package store as well as a restaurant so the commissioners said no for BYOB. He said he would like to serve a glass of

wine and it would help their business. Judith came forward claiming they had invested a lot of money in coolers and displays and this would be great for them financially. Commissioners asked if they would consider changing their license. He was asked how many Seats (12). This would increase night time dining.

Allison Leary, City Counselor for Ward 1 is in favor of BYOB. She commented on the other councilman who did not attend, 8 replied and 2 opposed. She claimed the website was hard to find specific items and she was hoping that November 29th will have a better outcome. She found that the communication and website were not user friendly and that email would be preferred. She met with Watertown City Counselor Ken Woodland who has had BYOB for 4-5 months. She felt small venues, more dining experiences and interest for new small restaurants were needed and that 20 seat restaurants seem to do better. New venues and creativity was also encouraged. She didn't agree that it was in competition with the bigger restaurants. She was asked about her research, 20 seat restaurants seem to do better, she also said it was hard to collect data. She commented on going to Legal Sea Food years early when they had BYOB and how well that worked. She will continue to do more research. Commissioner Gavris encouraged her to have the councilman weigh in on the next meeting. Attorney Maura O'Keefe commented that there was no email database available at this time.

A brief discussion with Maura O'Keefe on the November 29th meeting for BYOB. A new mailing should be sent out to all city councilman via email, Newton Needham Chamber of Commerce and a list of all establishments with CV's. They also asked to change the web site so they don't have to click 3-4 times to find things. Notice to the Tab should be posted. Notice should read, Public Hearing 11/29/2016 BYOB under consideration, check website for more information should be listed as well.

Attorney Maura O'Keefe requesting a pre-meeting discussion with the commissioners on fee schedules

1. Implementation of fees
2. Classes of Alcohol license with and without CV's

Discussion on the selling of an All Alcohol liquor license, Cynthia Parlee of Cindy's Place/Ginger Root, 136 Adams Street. Cindy Parlee was present with her manager. She explained how the owners would not renew their lease. She wanted information on how to sell her license. Commission Gavris said the clock would start for the six month period today if she planned to renew her license. She was asked to seek legal advice for any other questions she had. The Commissioners asked for her to come back after the first of the year to let them know the status of the license if she planned to renew.

7:30 P.M. – Regular Meeting of the Board

ONE DAY TEMPORARY ENTERTAINMENT LICENSE

Application filed by Mark Krasnow, 9 Churchill Street, Sudbury, MA 01776. **For a one day entertainment license for a Bar Mitzvah party on Saturday, January 28, 2017 from 7:00 P.M. – 10:00 P.M. to be held at the Windsor Club, 1601 Beacon Street, Waban, MA 02468**

Entertainment consists of amplification system with dancing

Estimated Attendance: 120

Approved 2-0

ONE DAY TEMPORARY WINE AND MALT LICENSE AND ONE DAY ENTERTAINMENT LICENSE

Application filed by Ralph and Jill Ranalli, 16 Wyoming Road, Newton, MA 02460. **For a one day wine and malt license for a Bat Mitzvah on Saturday, November 12, 2016 from 6:00 P.M. – 10:30 P.M. to be held at the Windsor Club, 1601 Beacon Street, Waban, MA 02468.**

Estimated Attendance: 120, Ages: All

Approved 2-0, contingent on letter from the facility stating alcohol will be served

ONE DAY TEMPORARY WINE AND MALT LICENSE

Application filed by Adrienne Hartzell Knudsen, 74 Vista Avenue, Auburndale, MA 02466. (New Philharmonic Orchestra) For a one day wine and malt license for a post-concert reception on Saturday, October 29, 2016 from 10:00 P.M. – 11:00 P.M. to be held at the First Baptist Church, 848 Beacon Street, Newton Centre, MA 02459.

Estimated Attendance: 150, Ages: All

Approved 2-0

Application filed by Suzanne Westcott, 21 Essex Road, Chestnut Hill, MA 02467. For a one day temporary wine and malt license and a one day entertainment license for 2 separate events.

One day wine and malt for a concert Reception

Wednesday, November 16, 2016 from 7:30 P.M. – 11:00 P.M.

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

Estimated Attendance: 100, Ages: 21+

Approved 2-0

One day entertainment license for a classical concert

Wednesday, November 19, 2016 from 7:30 P.M. – 9:30 P.M.

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

Entertainment consists of live music

Estimated Attendance: 100, Ages: All

Approved 2-0, pending date correction

Application filed by Kay Foley, PO Box 600213, Newton, MA 02460. For a one day temporary wine and malt license for Trivia Night on Wednesday, October 26, 2016 from 7:00 P.M. – 9:00 P.M. to be held at The Temple Emanuel, 385 Ward Street, Newton, MA 02459.

Estimated Attendance: 100, 21+

Approved 2-0, contingent on a letter from the facility and updated liability insurance form with current date

Application filed by Josh Huggard, 237 Atlantic Avenue, Swampscott, MA 01907. For a one day wine and malt license for a private event on Wednesday, November 9, 2016 from 6:30 P.M. – 9:30 P.M. to be held at Oath Craft Pizza, 21 Boylston Street, Box 16, Chestnut Hill, MA 02467

Estimated Attendance: 15-19, Ages: 21+

Approved 2-0, event starts at 5:30 P.M. instead of 6:30 P.M.

Application filed by Artur Andronic, 245 Main Street, Apt #16, Watertown, MA 02472. For eleven (11) one day temporary wine and malt license for wine tasting paired with Moldovan Food to be held at the Moldova Restaurant, 344 Watertown Street, Newton, MA 02458.

Wine tasting paired with Moldovan food

Wednesday, October 26, 2016 from 2:00 P.M. – 9:00 P.M.

Moldova Restaurant, 344 Watertown Street, Newton, MA 02458

Estimated Attendance: 50, Ages: All

Approved 2-0

Wine tasting paired with Moldovan food

Friday, October 28, 2016 from 2:00 P.M. – 9:00 P.M.

Moldova Restaurant, 344 Watertown Street, Newton, MA 02458

Estimated Attendance: 50, Ages: All

Approved 2-0

Wine tasting paired with Moldovan food
Saturday, October 29, 2016 from 2:00 P.M. – 9:00 P.M.
Moldova Restaurant, 344 Watertown Street, Newton, MA 02458
Estimated Attendance: 50, Ages: All
Approved 2-0

Wine tasting Paired with Moldovan food
Wednesday, November 2, 2016 from 2:00 P.M. – 9:00 P.M.
Moldova Restaurant, 344 Watertown Street, Newton, MA 02458
Estimated Attendance: 50, Ages: All
Approved 2-0

Wine tasting paired with Moldovan food
Saturday, November 5, 2016 from 2:00 P.M. – 9:00 P.M.
Moldova Restaurant, 344 Watertown Street, Newton, MA 02458
Estimated Attendance: 50, Ages: All
Approved 2-0

Wine tasting paired with Moldovan food
Wednesday, November 9, 2016 from 2:00 P.M. – 9:00 P.M.
Moldova Restaurant, 344 Watertown Street, Newton, MA 02458
Estimated Attendance: 50, Ages: All
Approved 2-0

Wine tasting paired with Moldovan food
Saturday, November 12, 2016 from 2:00 P.M. – 9:00 P.M.
Moldova Restaurant, 344 Watertown Street, Newton, MA 02458
Estimated Attendance: 50, Ages: All
Approved 2-0

Wine tasting paired with Moldovan food
Wednesday, November 16, 2016 from 2:00 P.M. – 9:00 P.M.
Moldova Restaurant, 344 Watertown Street, Newton, MA 02458
Estimated Attendance: 50, Ages: All
Approved 2-0

Wine tasting paired with Moldovan food
Saturday, November 19, 2016 from 2:00 P.M. – 9:00 P.M.
Moldova Restaurant, 344 Watertown Street, Newton, MA 02458
Estimated Attendance: 50, Ages: All
Approved 2-0

Wine tasting paired with Moldovan food
Wednesday, November 23, 2016 from 2:00 P.M. – 9:00 P.M.
Moldova Restaurant, 344 Watertown Street, Newton, MA 02458
Estimated Attendance: 50, Ages: All
Approved 2-0

Wine tasting paired with Moldovan food
Saturday, November 26, 2016 from 2:00 P.M. – 9:00 P.M.
Moldova Restaurant, 344 Watertown Street, Newton, MA 02458
Estimated Attendance: 50, Ages: All
Approved 2-0

ONE DAY TEMPORARY ALL ALCOHOL LICENSE

Application filed by Daniel Elias, 61 Washington Park, Newtonville, MA 02460. **For a one day temporary all alcohol license for the Newton Art Association opening reception on Friday, December 9, 2016 from 6:00 P.M. – 8:00 P.M. to be held at New Art Center, 61 Washington Street, Newtonville, MA 02460.**

Estimated Attendance: 140, Ages: 21+

Approved 2-0

Application filed by Steven Segal, 50 Wachusett Road, Chestnut Hill, MA 02467. **For a one day temporary all alcohol license for a fundraiser on Thursday, November 17, 2016 from 5:30 P.M. – 8:30 P.M. to be held at the Newton Innovation Center, 124 Vernon Street, Newton, MA 024**

Estimated Attendance: 50, Ages: 5-80

Approved 2-0

Application filed by Daniel J. Kiley, 250 Waltham Street, West Newton, MA 02465. **For a one day all alcohol license and a one day entertainment license for a wedding on Saturday, November 26, 2016 from 5:00 P.M. – 11:00 P.M. to be held at the Fessenden School, 250 Waltham Street, West Newton, MA 02465.**

Entertainment consists of amplification system and recorded music

Estimated Attendance: 80, Ages: 3-75

Approved 2-0, contingent on letter stating alcohol is approved and tip certification

Application filed by Lawrence Kalis, 50 Rivard Road, Needham, MA 02492. **For a one day all alcohol license and a one day entertainment license for a Bat Mitzvah on Friday, December 3, 2016 from 7:00 P.M. to 11:00 P.M. to be held at the Windsor Club, 1601 Beacon Street, Waban, MA 02468.**

Estimated attendance: 100, Ages: All

Approved 2-0, date correction made per Lawrence Kalis

TRANSFER OF STOCK AND TRANSFER OF COMMON VICTUALLER

Application filed by the Law Offices of Rosenberg, Freedman, and Lee LLP, 246 Walnut Street, Newton, MA 02460 for B & B Culinary Concepts, LLC, d/b/a Lumiere Restaurant, 1293 Washington Street, Newton, MA 02465. **For a Transfer of Stock and Transfer of Common Victualler. Seating is 88. Hours of operation are Monday through Saturday 8:00 A.M. – 12:00 A.M., Sunday 11:00 A.M. - 12:00 A.M. Manager is Jordan Benjamin Bailey. To be exercised at 1293 Washington Street, West Newton, MA 02465**

Approved 2-0

NEW COMMON VICTUALLER

Application filed by Stephen Delrose, 7 Pleasant Garden Road, Canton, MA 02458 for d/b/a Qdoba Mexican Eats, 165 Needham Street, Newton, MA. **For a new Common Victualler license. Seating is 56 interior and 28 (exterior) patio. Hours of operation are 6:00 A.M. – 11:00 P.M. seven days a week. Manager is Stephen Delrose. To be exercised at 165 Needham Street, Newton, MA 02458.**

Approved 2-0, contingent on updated insurance liability form

Application filed by Attorney Robert L. Allen Jr., 300 Washington Street, 2nd Floor, Brookline, MA 02445 for d/b/a Finagle a Bagel, 77 Rowe Street, Newton, MA 02466. **For a New Common Victualler License. Seating is 40 interior and 9 (exterior) patio. Hours of operation are 6:00 A.M – 7:00 P.M seven days a week. Manager is Susan Gould. To be exercised at 77 Rowe Street, Newton, MA 02466.**

Held over for next hearing, need abutter's notifications

ANNUAL ENTERTAINMENT/ SUNDAY ENTERTAINMENT

Application filed by the Law Offices of Demakis Law Office, P.C., 56 Central Avenue, Lynn, MA 01901. **For an Annual Entertainment and Sunday Entertainment license, d/b/a, Anthony's Coal Fired Pizza, 180 Needham Street, Newton, MA 02464. Entertainment consists of 8-10 TV's and recorded music.**

Approved 2-0

PLEDGE OF LICENSE

Application filed by Scott Lawrence Lopes, 6 Applewood Circle, East Sandwich, MA 02537, d/b/a Stone L'oven Kitchen LLC, 8 Washington Street, Canton, MA 02021. **For a Pledge of License to be exercised at 1649 Beacon Street, Waban, MA 02468.**

Approved 2-0

CHANGE OF MANAGER

Application filed by Gregory C. Demakis P.C. 56 Central Ave, Lynn, MA 01901 d/b/a, Auburndale Market, 345 Auburn Street, Newton, MA 02459. **For a Change of Manager from Hemantkumar S. Patel to Dipakkumar B. Patel to be exercised at Auburndale Market, 345 Auburn Street, Newton, MA 02459.**

Approved 2-0, contingent on serve safe and tip certification

Other Matters Properly Before the Commission – Michael Wardale, 344 Wolcott Street, abutter to the property of Finagle a Bagel, 77 Rowe Street, Newton, MA had concerns that the space has not been used for over 10 years and wanted to make sure that the license regulations had not changed, hours of operation were of concern and signage done properly. He received an abutter's notification that was not processed correctly and this was saved for the record.

Meeting adjourned at 8:30 P.M.