

CITY OF NEWTON
BOARD OF LICENSE COMMISSIONERS
Chair, Kathleen M. McCarthy, Dina Conlin & Gloria M. Gavris
Fax 617-552-7063

MINUTES OF PUBLIC MEETING
M.G.L. C. 30A. SEC 18-25
December 9, 2014

Present: Commissioners: Kathleen McCarthy, Dina Collins and Gloria Gavris
City Staff: Teresa Kett, Maura O'Keefe and Sgt. Kevin Cupoli

The business portion of the meeting was called to order at 7:05 p.m.

Printed copies of the minutes were not available for review. The commissioners requested email copies of the minutes in advance, and paper copies for the meeting. And requested that the meeting minutes approval is listed in the business portion of the agenda instead of the regular meeting.
Approval of the November minutes was tabled to the January meeting.

Fees discussion. Assistant City Solicitor Maura O'Keefe began the fees discussion by reiterating a May 2012 memo about how fees should be proportionate to the amount of work required to complete the licensing process, the "Emerson test." The question about discounted fees for nonprofit applicants was raised by the Programs and Services Committee of the Board of Alderman, which has again requested the Licensing Commission appear before it. Ms. O'Keefe said if the fee is proportionate to the amount of work, it would be the same for everyone. She also said the consensus among MA municipal lawyers is that providing a discounted fee to nonprofits would essentially amount to donating to the charity, which isn't permissible for municipalities. Ms. O'Keefe said fee review is occurring across city departments and commissions, and suggested the Board do the same for the Section 14 licenses, the one-day permits.

The commissioners discussed the current fee amounts and the consensus was that perhaps only one fee could be charged for the one-day permits instead of both a filing fee and a license fee. The commissioners requested a meeting on Tuesday, January 20, 2015, at 8:30 a.m. in the Health Department offices with the staff members who handle licensing the work of the licensing board. One staff member could speak for all, or the meeting could be with all of the staff members. All of the commissioners will try to attend if they can, so the meeting should be advertised to the public. They're interested in the amount of time it takes to process the one-day licenses, and how things have changed since this team took over licensing to make things more efficient. Then the commissioners will be able to discuss if fees need to be changed, and report back to Programs and Services regarding their question about nonprofit fees.

Ms. O'Keefe emailed a new one-day application for review by the commissioners, and said she's looking for other examples to put into the chart. The commissioners decided to email any suggested changes/comments to her, in the interest of time during the meeting.

For the next regular meeting agenda, the board would like to continue discussion of both the fees and the application.

Other business. Commissioner Gavris heard from an aldermen regarding notice about items affecting their ward that appear before the Licensing Board. Ms. Gavris suggested that the Board add to the checklist a suggestion

for applicants that when an applicant is required to notify abbutters, the applicant also notify by email the three ward aldermen in case the item is of interest. It would be a suggestion, not a requirement. Ms. Conlin and Ms. McCarthy concurred as long as it's a suggestion. Ms. O'Keefe said she would provide suggested language for the checklist.

Licensing Board Agenda:

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For the next regular meeting agenda , the board would like to continue discussion of both the fees and the application.

Other business. Commissioner Gavis heard from an aldermen regarding notice about items affecting their ward that appear before the Licensing Board. Ms. Gavis suggested that the Board add to the checklist a suggestion for applicants that when an applicant is required to notify abbutters, the applicant also notify by email the three ward aldermen in case the item is of interest. It would be a suggestion, not a requirement. Ms. Conlin and Ms. McCarthy concurred as long as it's a suggestion. Ms. O'Keefe said she would provide suggested language for the checklist.

The regular meeting of the Board began at 7:36 p.m.

APPROVAL OF MINUTES FOR NOVEMBER 18, 2014

Tabled for next month

2015 ANNUAL RENEWALS (SEE ATTACHED SCHEDULE A)

Taken as the last item on the agenda.

Vote: 3-0 per schedule A, which needs to be posted on the website with the agenda

PURCHASE AND SALE AGREEMENT – B STREET (ELLIE KAPLANSKY)

Ms. McCarthy read a hand delivered letter from Mr. Buchbinder (Kaplansky's attorney) regarding a signed purchase and sale agreement. B Street will return for the January meeting to transfer the license from B Street to a new Asian fusion restaurant. The commissioners said they want a report at the January meeting regardless of whether the license is ready to be transferred or not.

REPORT ON NEW LOCATION – COMM AVE WINE/SPIRITS (ANASTASIOS GIANNOPOULOS)

Mr. Giannopoulos reported that he signed a lease for space at 241 Needham Street next to Marshall's and Radio Shack, but the lease hasn't yet be executed by the other party. He's expecting it to be done within the next week, and will return for the January meeting to change the dba, manager of record, etc. The commissioners also requested that if everything is not yet in order, he should still attend the January meeting to provide a status report. Mr. Giannopoulos said the office can expect a letter of intent by fax probably tomorrow.

ONE DAY TEMPORARY PERMITS:

Application filed by Mahalingham Swaminathan, 94 Ethyl Way, Stoughton, MA 02072. For a One Day Entertainment Permit for Recorded Music, Amplification System, and Dancing by Entertainers/Performers, for New Year's Eve Indian Party on Wednesday, December 31, 2014 from 7:00 P.M. to Midnight. To be held at Balera Dance Studio Ballroom, 105 Rumford Avenue, Newton, MA 02466.

Estimated Attendance: (140) Ages 21+

The applicant said kids 5 years and above would also be in attendance.

Vote: 3-0

Application filed by The Fessenden School, Lindy Gruen, 250 Waltham Street, West Newton, MA 02465. For a One Day All Alcohol Permit, for Headmaster's Holiday Party on Friday, December 19, 2014 from 3:30 P.M. to 7:30 P.M. To be held at Hart House, The Fessenden School, 250 Waltham Street, West Newton, MA 02465.

Estimated Attendance: (100) Ages 25+

Vote: 3-0

Application filed by INTERMIX, Jennifer Schneiderman, 675 Sixth Avenue, New York, NY 10010. For a One Day Wine and Malt Permit, for Seasonal Event on Thursday, December 18, 2014 from 6:00 P.M. to 8:00 P.M. To be held at INTERMIX, 33 Boylston Street, Suite 3300, Chestnut Hill, MA 02467.

Estimated Attendance: (50) Ages 25-55

Vote: 3-0, pending a fax or email from the landlord saying the event is approved to occur at this location with alcohol.

Application filed by Newton-Needham Chamber of Commerce, Greg Reibman, 281 Needham Street, Newton Upper Falls, MA 02464. For a One Day Wine and Malt Permit and Entertainment Permit for Live Music, for Holiday Party on Wednesday, January 7, 2014 from 5:30 P.M. to 7:30 P.M. To be held at Massachusetts School for Professional Psychology, 1 Wells Avenue, Newton, MA 02459.

Estimated Attendance: (100-150) Ages 21+

Copy of liquor liability license needed, will be emailing in.

If 150 rsvp, will need to be in touch with the police.

Wine/malt: Vote: 3-0, pending a copy of the liquor liability insurance information is provided to the office, and that if RSVPs come close to 150, that the applicant is in touch with the police.

Entertainment: 3-0, same qualifications as above.

CHANGE OF MANAGER:

Application filed by Sons of Italy in America Lodge Umberto Primo, d/b/a Sons of Italy Lodge #1069, Robert DiStefano, 196 Adams Street, Newton, MA 02458. Old Manager: Gerard Franci, New Manager: Joseph Mazilli. To be exercised at 196 Adams Street, Newton, MA 02458.

Vote: 3-0, contingent on Mr. Mazilli becoming TIP certified, he should send a copy into the office before the change is approved

Application filed by Cottage Chestnut Hill LLC, d/b/a The Cottage, John Wolfe/John Logomasini, 47 Boylston Street, Chestnut Hill, MA 02467. Old Manager: John Wolfe, New Manager: John Logomasini. To be exercised at 47 Boylston Street, Chestnut Hill, MA 02467.

Vote: 3-0

NEW COMMON VICTUALLER:

Application filed by b. good LLC, d/b/a b. good, Anthony Ackil, 250 1st Avenue, Charlestown, MA 02129. New Common Victualler. Hours of Operation from: 11:00 A.M. to 10:00 P.M. 7 Days. Seating: 52. To be exercised at 71 Needham Street, Newton, MA 02461.

The applicant did not appear on first or second call. The commissioners requested that the licensing staff call and find out why the applicant did not appear, and inform them they are required to appear if they didn't already know.

Re-noticing will be required; this item is held over for next month.

CHANGE OF SUNDAY HOURS FOR RESTAURANT (10:00 A.M. OPENING):

Application filed by KJR, Inc., d/b/a West Street Tavern & Restaurant, Carl Roche, 7 West Street, Newton, MA 02458. Change of Hours from: Sunday 11:00 A.M. – 1:00 A.M. to 10:00 A.M. – 1:00 A.M. To be exercised at 7 West Street, Newton, MA 02458.

Vote: 3-0

CHANGE OF SUNDAY HOURS FOR PACKAGED STORES (10:00 A.M. OPENING):

1. Stephen DePasquale, d/b/a DePasquale's Gourmet Food & Liquor
2. Hometown Beverage LLC, d/b/a Murray's Liquors in Newton
3. Lower Falls Wine Co., d/b/a Lower Falls Wine Co.
4. OM Convenience, Inc., d/b/a Grocery Garrison
5. Wegmans Massachusetts, Inc., d/b/a Wegmans
6. Top Shelf Liquors, Inc., d/b/a Burton's Liquor & Deli
7. NGF, Inc., d/b/a Baza

Vote: 3-0

Other business: Several applicants requested an email address instead of a fax number to provide the staff with information requested by commissioners. They were provided with Debbie Gentile's email address. Ms. Gavis asked if an email address could be added to the agendas where the phone/fax number is. I told her we could probably get one address that goes to all the staff.

Teresa Kett
Public Health Program Specialist

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

Adjourn 8:14 p.m.

DRAFT