

CITY OF NEWTON

BOARD OF LICENSE COMMISSIONERS

Chair, Kathleen M. McCarthy, Dina E. Conlin & Anil Adyanthaya

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Special Meeting Minutes

DATE: October 6, 2020 **This meeting was conducted via Zoom Meeting**
Meeting ID: 896 9497 9609 Passcode: 084956

PRESENT: Commissioners Kathleen McCarthy, Dina Conlin, and Anil Adyanthaya

STAFF: Assistant City Solicitor Maura O’Keefe, Sergeant Kevin Rudd (Newton Police) and Manuela Familia

TIME: 7:30PM – Special meeting of the Board

KENO INSTALLATION

Decision regarding installation of the KENO monitor for license issued to 7-Eleven #37510 located at 612 Washington Street, Newton, MA 02458. Approved 2-1 A policy discussion and administrative process has been placed on the agenda for the meeting scheduled on October 20, 2020.

CONTINUATION OF COVID19 TEMPORARY REDUCTION OF FEES:

Newton City Council President and Councilor-at-Large Ward 2 Susan Albright is requesting the Licensing Commission to reduce the liquor licensing fees for 2021 renewal year.

Councilor President Susan Albright expressed her apologies to have put the Commission in a difficult position and proceeded to read into the record the memo sent to the Licensing Commission on October 6th. **Exhibit 1.** Councilor Albright stated that is highly unlikely that the City will fire 3.5 employees and how the City receives “free cash.” She explained that “free cash” is the money leftover at the end of the year and certified by the state as “free cash.” She states there is always “free cash” left over at the end of the fiscal year.

Chief Operation Officer Jonathan Yeo summarized the letter sent to the Licensing commission on October 5th. **Exhibit 2.** He explained that the “free cash” is used to balance the City’s budget and that it is not free. He stated that this year that money has been spent. He finalized by stating that at the moment, it is unknown how the \$200,000 that would result from reducing the liquor licensing fees would be compensated if lost, but that the City will have to cut something.

Maura O’Keefe, Assistant City Solicitor, stated the Anti-Aid Amendment is only a minor issue in what was being voted on. She expressed that Councilor Albright’s presentation was very thorough and thoughtful and that she agreed with the points Councilor Albright made. Ms. O’Keefe pointed out the Emerson College issue with how fees are set up is more important than any implications with the anti-aid amendment, but that she agreed with the legal conclusion Councilor Albright presented. Ms. O’Keefe explained that fees are meant to be a reimbursement for administrative costs. It is the opinion of the Law department that fees are not meant to be malleable, or subject to change based on a whim, and if that is what needs to be done then there is a possible implication of the anti-aid amendment. She continued to say that as Councilor Albright stated, the only way to justify a reduction of fees would be for the Commission to make a determination that the reduction would be in the public interest and or for a public purpose. She stated that dove tails with the mandate of the Licensing Commission. Ms. O’Keefe explained that the decisions the Commission makes must be premised in the public’s need and in the public’s good. Ms. O’Keefe also agreed with the practical aspects Mr. Yeo presented. She posed the question, “What happens when a fee reduction is imposed and takes money out of the municipal coffers?” She stated if the Commission determines for a reduction in fees for public purpose and public need, it will be to the detriment of the financial health of the City of Newton. She expressed that she hopes the Commission the Commission takes the City of Newton’s financial health seriously, that it is a financial crisis that impacts all aspects of the City.

Seana Gaherin owner of Dunn-Gaherins restaurant expressed she was offended by Ms. O'Keefe and Mr. Yeo's statement about the City's budget. She explained that presently she does not have the opportunity to think about a budget like the City can. She stated this is the first time she is worried about being able to operate her business and stay open.

City Councilor Ward 5 Deborah Crossley spoke in favor of the reduction of the licensing fees. She stated that Seana Gaherin along with many other restaurants have helped the city when needed. She expressed that she understood the City's position about balancing its budget and recognized that the future its uncertain and because of that uncertainty is the reason, she recommends the fee be reduced.

Maddy Ranalli, resident; Arpit Patel, owner of Baramor restaurant; Greg Reibman, President of Newton Needham Chamber of Commerce; Bryan Barash, resident; and Paul Turano, owner of Cook restaurant, all spoke in support of the reduction of fees.

Commission Chair Kathleen McCarthy stated for the record that any vote would be a one-time determination and a result of the pandemic emergency state. She explained that the Commission could go with any recommendation, combination of recommendations made before the Commission, or the Commission could decide for no reduction at all. Commission Chair McCarthy polled the commissioners.

Commissioner Anil Adyanthaya stated that he would vote yes to 50% on the reduction of fees and would abstain on the timing of the installments of the fees.

Commissioner Dina Conlin expressed that it would be in the public good to do this for the restaurants and that Licensing Commission is in the position to be able to help the restaurants. She stated she was inclined to support the 50% fee reduction and splitting the payment to be collected before June 30th.

Commission Chair Kathleen McCarthy voted to reduce the fees by 50% and splitting the payments. One to be collected by November 30th and the other by May 31st. She also implored the City Council to prevent any fallout with jobs within the City.

Commission Chair McCarthy stated that the vote is 50% reduction at **3-0** with a majority vote of **2-0-1 (Adyanthaya)** to split the reduced fee in two payments.

OUTDOOR DINING PROVISIONS

Board will make a decision regarding the extension of temporary dining provisions. Board voted to extend temporary dining provisions to 60 days past the end of Massachusetts' state of emergency order. This decision was **approved 3-0.**

Meeting adjourned at 8:48PM.

Respectfully submitted by:
Manuela Familia
Administrative Clerk