

CITY OF NEWTON

BOARD OF LICENSE COMMISSIONERS

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

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

Minutes

DATE: March 15, 2022 **This meeting was accessible via Zoom Meeting
Meeting ID: 860 8650 5372 Passcode: 575489**

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

STAFF: Assistant City Solicitor Andrew Lee, Sergeant John O'Connell, and Manuela Familia

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

The February 8, 2022 meeting minutes were **approved 3-0** with a correction to Lieutenant Rudd's title; February 15, 2022 meeting minutes were **approved 3-0** with a correction to Lieutenant Rudd's title; and March 3, 2022 Special meeting minutes were **approved 2-0**.

NEW COMMON VICTUALLER LICENSE

Application filed by Alba Alvarez-Cote, 934 Watertown Street, West Newton, MA 02465. **For a new common victualler license to be exercised at Alser LLC d/b/a Che Empanada, 795 Washington Street, Newtonville, MA 02460. The hours of operation will be Monday through Saturday from 8:00AM – 11:00PM, and Sunday from 11:00AM – 4:00PM. There will be 12 seats inside and 8 seats in the sidewalk. PRESENT ON ZOOM: Alba Alvarez-Cote and Jim Cote. Approved 2-0-1 (Adyanthaya); contingent upon receipt of signed floor plan, food permit, and certificate of occupancy.**

Commissioner Dina Conlin excused herself from the rest of the meeting.

KENO PROCESS

Law department lead a discussion regarding Keno and the Board of License Commissioners' role.

Assistant City Solicitor Andrew Lee stated for the record that he had reviewed the October 20, 2020 meeting minutes, where Maura O'Keefe lead a discussion about the Board of License Commissioner's role in the Keno process and that he would be reiterating most of what Maura said. He explained that the Board's role is very limited, since the Board of License Commissioners would not approve the licenses but has an opportunity to object when a license for Keno is to be issued. The Board can object in a meeting by taking a formal vote. He stated the meeting was not mandatory and that the Board didn't have to object or hold a meeting. He explained that in the October 20, 2020 meeting there where some distinctions made with regards to the location or the types of locations that were going to implement Keno licenses, after reviewing Massachusetts General Law Chapter 10 Section 27A, he wanted to clarify the Board of License Commissioner's has the authority to object wherever a Keno is being licensed in the City of Newton, it did not make a difference if the location was licensed for alcohol or not.

Commission Chair Kathleen McCarthy asked for information regarding the Board's purview when making decisions regarding Keno. Attorney Andrew Lee gave the Commission background information regarding Keno and stated that a lot of locations already have Keno in their establishments, but they are considered as Keno to Go because there are no monitors. These are not considered as full Keno licenses until there is a monitor. Attorney Andrew Lee expressed that the reason why the Board of License Commissioners received the notice for In Town Market is because the Lottery Commission is now offering a monitor to several locations that have Keno to Go, so the Lottery Commission is sending notices to cities and towns.

Commission Chair verified that the distinguishing feature is that there will be a monitor and that In Town Market already has a form of Keno. Attorney Andrew Lee explained that the location has Keno to Go, which is like lottery tickets, and the person will have to go elsewhere to check if they won. With a Keno monitor, the person could stay on the premises to check their numbers in the monitor.

Commissioner Kathleen McCarthy verified that when rendering a decision, it will be based on the public's needs and the public's good. Andrew Lee agreed. Kathleen also asked if the underlying license for Keno to Go would still stand if the Commission were to object to the installation of the monitor. Andrew expressed that he did not think that an objection would affect it in any way, because Lottery Commission considers Keno to Go to not be a full license and is not able to be objected to. It was explained that the Commission has 21 days from the receipt of the letter to submit a written objection and that if an objection was submitted, the Lottery Commission would hold a 30A administrative hearing in order to overrule the objection and issue the license if they believe it in the public's interest to do so.

KENO INSTALLATION

Board of License Commissioners' decision regarding installation of the Keno monitor to be located at In Town Market, 979 Watertown Street, Newton, MA 02465.

The Board of License Commissioner's voted to object to the installation of the Keno monitor and it was approved 2-0. The Commission based its decision to object on the following reasons:

1. It was brought to the Commission's attention that the owner of the establishment, Bassam A. Youseff, is in opposition of such device in his place of business. An email was sent to the Board of License Commissioners from Mr. Youseff.
2. The establishment is in close proximity to already fully licensed Keno establishments.
3. Concerns from City Councilors about In Town Market's proximity to playground and youth programs.
4. It was not the public interest that requested the installation of the Keno monitor.

APPROVAL OF ANNUAL SEASONAL PERMITS:

Newton Yacht Club (All Alcohol)

12 Nonantum Road, Newton MA 02458 Approved 2-0.

Sterling Golf (Restaurant Wine and Malt)

212 Kendrick Street Newton, MA 02458 Approved 2-0.

ONE DAY ALL ALCOHOL LICENSE

Application filed by Deb Lowe, 250 Waltham Street, Newton, MA 02465. **For three (3) one-day all alcohol licenses to be held at The Fessenden School, 250 Waltham Street, Newton, MA 02465. PRESENT ON ZOOM: Deb Lowe.**

Donor Reception-Sacerdote Science Center Dedication

Tuesday, May 3, 2022 from 6:30PM – 8:00PM

Estimated Attendance: 60, Ages: 30-60 Approved 2-0

Donor Reception: Red & Gray

Outdoors (tented)

Tuesday, May 24, 2022 from 6:30PM – 8:30PM

Estimated Attendance: 115, Ages: 30-60 Approved 2-0

Reception-Alumni Reunion

Outdoors (tented)

Thursday, June 9, 2022 from 6:30PM – 8:30PM

Estimated Attendance: 60, Ages: 30-60 Approved 2-0

ONE-DAY ALL ALCOHOL AND ENTERTAINMENT LICENSES

Application filed by Deb Lowe, 250 Waltham Street, Newton, MA 02465. For a one-day all alcohol license and an entertainment license for year-end faculty/staff party on Friday, June 10, 2022 from 5:00PM to 8:00PM to be held at The Fessenden School, Outdoors (tented), 250 Waltham Street, Newton, MA 02465. Entertainment will consist of a DJ. Estimated Attendance: 100, Ages 30-60. PRESENT ON ZOOM: Deb Lowe. All approved 2-0.

ONE DAY TEMPORARY WINE AND MALT LICENSE

Application filed by Rose Perriello, 61 Washington Park, Newton, MA 02460. For a one-day temporary wine and malt license for an exhibition opening reception on Thursday, March 24, 2022, from 6:00PM – 8:00PM to be held at the Trio Newton, 245 Walnut Street, Newton, MA 02460. Estimated Attendance: 50, Ages: All. PRESENT ON ZOOM: Rose Perriello. Approved 2-0.

ONE DAY TEMPORARY WINE AND MALT LICENSE

Application filed by Brandon Lewis, 61 Washington Park, Newton, MA 02460. For a one-day temporary wine and malt license for a Night Out at New Art- Henna Workshop on Friday, April 8, 2022, from 7:00PM – 9:00PM to be held at the New Art Center, 61 Washington Park, Newton, MA 02460. Estimated Attendance: 20, Ages: 21+. PRESENT ON ZOOM: Rose Perriello. Approved 2-0.

NEW WINE AND MALT PACKAGE STORE LICENSE

Application filed by Attorney Thomas Miller, 28 State Street Suite 802, Boston, MA 02109. For a new wine and malt package store license to be exercised at Spiga LLC d/b/a Market Ti Amo, 36 Langley Road, Newton, MA 02459. The manager will be Marisa Iocco. The hours for alcohol sale will be Sunday 10:00AM – 8:00PM, Monday through Saturday 9:00AM – 8:00PM. PRESENT ON ZOOM: Attorney Thomas Miller, Marisa Iocco and Francesco Lacovitti. Approved 2-0; Contingent upon receipt of certificate of occupancy.

ALTERATION OF PREMISES

Application filed by Attorney Steffani Boudreau, 300 Washington Street, Brookline, MA 02445. For an alteration of premises to be exercised at Irish Entertainment, LLC d/b/a Tommy Doyles, 349 Watertown Street, Newton, MA 02458. Requesting up to 24 seats in the sidewalk and parking space area. PRESENT ON ZOOM: Finbar Griffin. Approved 2-0.

ALTERATION OF PREMISES

Application filed by Wallace Nogueira, 317 Washington Street, Newton, MA 02458. For an alteration of premises to be exercised at Buffs Pub Inc d/b/a Buffs Pub, 317 Washington Street, Newton, MA 02458. Requesting up to 24 seats in the sidewalk area. PRESENT ON ZOOM: Wallace Nogueira. Approved 2-0; Contingent upon receipt of certificate of liability with City of Newton as additionally insured.

ALTERATION OF PREMISES

Application filed by Desmond Rushe, 136 Adams Street, Newton, MA 02458. For an alteration of premises to be exercised at Roche Inc d/b/a Olivia's Bistro, 136 Adams Street, Newton, MA 02458. Requesting up to 16 seats in the sidewalk area. PRESENT ON ZOOM: Desmond Rushe. Approved 2-0; Contingent upon receipt of certificate of liability with City of Newton as additionally insured.

DISCUSSION REGARDING PRORATING LICENSE FEES

Continued discussion to consider a regulation change to prorate license fees. **Moved to next scheduled hearing.**

Meeting adjourned at 8:45PM.

Respectfully submitted by:

Manuela Familia
Administrative Clerk