

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: July 19, 2022 **This meeting was conducted in person and accessible via Zoom Meeting Meeting ID: 860 8650 5372 Passcode: 575489**

PRESENT: Commissioners Kathleen M. McCarthy, and Anil Adyanthaya

STAFF: Lieutenant Kevin Rudd, Assistant City Solicitor Jaclyn Zawada, and Manuela Familia

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

The June 21, 2022 meeting minutes were approved 2-0.

ONE DAY TEMPORARY ENTERTAINMENT LICENSE

Application filed by Janet Goff, 527 Washington Street, Newton, MA 02458. **For a one-day temporary entertainment license for a Concert/fundraiser/swing dance party on Friday, August 5, 2022 from 6:00PM – 11:00PM to be held at Newton City Hall, War Memorial, 1000 Commonwealth Avenue, Newton, MA 02459. Entertainment will consist of live music with amplification, dancing by performers/entertainers and dancing by attendees. Estimated attendance: 150, ages 21+. PRESENT ON ZOOM: Janet Goff. Approved 2-0.**

ONE-DAY TEMPORARY ALL ALCOHOL LICENSE

Application filed by Tania Zalkowitz, 333 Nahanton Street, Newton, MA 02459. **For a one-day all alcohol license for a tasting event on Thursday, July 28, 2022 from 7:00PM – 8:30PM to be held at the JCC of Greater Boston, 333 Nahanton Street, Newton, MA 02459. Estimated Attendance: 12, Ages: 30-50. PRESENT ON ZOOM: Joelle Schatz. Approved 2-0.**

ONE DAY TEMPORARY WINE AND MALT LICENSE

Application filed by Louis Fiore, 150 Tremont Street, Newton, MA 02458. **For a one-day temporary wine and malt license for a party for wedding guests on Saturday, September 3, 2022, from 1:00PM – 5:00PM to be held at the Auburndale Cove, 104 W. Pine Street, Auburndale, MA 02466. Estimated Attendance: 140, Ages: 21-70. PRESENT ON ZOOM: Louis Fiore. 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, July 21, 2022, from 6:00PM – 8:00PM to be held at the Trio Newton, 245 Walnut Street, Newton, MA 02460. Estimated Attendance: 75, Ages: All. PRESENT ON ZOOM: Rose Perriello. Approved 2-0.**

ONE-DAY TEMPORARY WINE AND MALT AND ENTERTAINMENT LICENSES

Application filed by Michael Estey, 2 Belgrade Avenue, Boston, MA 02131. **For eighteen (18) one-day wine and malt licenses and eighteen (18) entertainment licenses for a beer garden to be held at 200 Boylston Street, Chestnut Hill, MA 02467. Entertainment will consist of recorded music and live music. PRESENT ON ZOOM: Michael Estey. All approved 2-0.**

**Thursday, August 4, 2022 from 4:00PM – 9:00PM
Rain date: Saturday, October 1, 2022 from 12:00PM-8:00PM
Estimated Attendance: 140, Ages: 21-100**

Friday, August 5, 2022 from 4:00PM – 9:00PM
Rain date: Thursday, October 6, 2022 from 4:00PM-9:00PM
Estimated Attendance: 140, Ages: 21-100

Thursday, August 11, 2022 from 4:00PM – 9:00PM
Rain date: Friday, October 7, 2022 from 4:00PM-9:00PM
Estimated Attendance: 140, Ages: 21-100

Friday, August 12, 2022 from 4:00PM – 9:00PM
Rain date: Thursday, October 13, 2022 from 4:00PM-9:00PM
Estimated Attendance: 140, Ages: 21-100

Thursday, August 18, 2022 from 4:00PM – 9:00PM
Rain date: Saturday, October 8, 2022 from 12:00PM-9:00PM
Estimated Attendance: 140, Ages: 21-100

Friday, August 19, 2022 from 4:00PM – 9:00PM
Rain date: Friday, October 14, 2022 from 4:00PM-9:00PM
Estimated Attendance: 140, Ages: 21-100

Thursday, August 25, 2022 from 4:00PM – 9:00PM
Rain date: Saturday, October 15, 2022 from 12:00PM-9:00PM
Estimated Attendance: 140, Ages: 21-100

Friday, August 26, 2022 from 4:00PM – 9:00PM
Rain date: Thursday, October 20, 2022 from 4:00PM-9:00PM
Estimated Attendance: 140, Ages: 21-100

Thursday, September 1, 2022 from 4:00PM – 9:00PM
Rain date: Friday, October 21, 2022 from 4:00PM-9:00PM
Estimated Attendance: 140, Ages: 21-100

Friday, September 2, 2022 from 4:00PM – 9:00PM
Rain date: Friday, October 21, 2022 from 12:00PM-9:00PM
Estimated Attendance: 140, Ages: 21-100

Saturday, September 3, 2022 from 12:00PM – 9:00PM
Rain date: Saturday, October 22, 2022 from 12:00PM-9:00PM
Estimated Attendance: 140, Ages: 21-100

Thursday, September 8, 2022 from 4:00PM – 9:00PM
Rain date: Thursday, October 27, 2022 from 4:00PM-9:00PM
Estimated Attendance: 140, Ages: 21-100

Friday, September 9, 2022 from 4:00PM – 9:00PM
Rain date: Friday, October 28, 2022 from 4:00PM-9:00PM
Estimated Attendance: 140, Ages: 21-100

Saturday, September 10, 2022 from 12:00PM – 9:00PM
Rain date: Saturday, October 29, 2022 from 12:00PM-9:00PM
Estimated Attendance: 140, Ages: 21-100

Thursday, September 15, 2022 from 4:00PM – 9:00PM
Rain date: Friday, September 30, 2022 from 4:00PM-9:00PM
Estimated Attendance: 140, Ages: 21-100

Friday, September 16, 2022 from 4:00PM – 9:00PM
Rain date: Thursday, September 29, 2022 from 4:00PM-9:00PM
Estimated Attendance: 140, Ages: 21-100

Saturday, September 17, 2022 from 12:00PM – 9:00PM
Rain date: Saturday, September 24, 2022 from 12:00PM-9:00PM
Estimated Attendance: 140, Ages: 21-100

Thursday, September 22, 2022 from 4:00PM – 9:00PM
Rain date: Friday, September 23, 2022 from 4:00PM-9:00PM
Estimated Attendance: 140, Ages: 21-100

ALTERATION OF PREMISES

Application filed by Kayla Foster, 11 Boylston Street, Chestnut Hill, MA 02467. For an alteration of premises to be exercised at Sovereign Entertainment LLC d/b/a Aquitaine Bis, 11 Boylston Street, Chestnut Hill, MA 02467. Requesting 52 seats in private area. Applicant did not attend.

CHANGE OF MANAGER

Application filed by Lisa Martignetti, 846 University Avenue, Norwood, MA 02062. For a change of manager from Valerie E. Stagemayer to James Taggart, Jr. to be exercised at Cerco, LLC d/b/a Showcase Superlux and Davio's Cucina, 55 Boylston Street, Chestnut Hill, MA 02467. PRESENT ON ZOOM: Julie Heinzelman and James Taggart, Jr. Approved 2-0.

NEW ALL ALCOHOL RESTAURANT LICENSE, NEW COMMON VICTUALLER, ANNUAL ENTERTAINMENT AND AUTOMATIC AMUSEMENT DEVICES LICENSES

Application filed by Erin Bashllari, 345 Franklin Street, Cambridge, MA 02139. For a new all alcohol restaurant license, a new common victualler license, new annual entertainment license and automatic amusement devices licenses to be exercised at Bashllari, Inc d/b/a Donut Villa Diner, 344 Walnut Street, Newtonville, MA 02460. The manager will be Erin Bashllari. The hours of operation will be Monday – Sunday from 6:00AM – 1:00AM. There will be 101 seats inside and 36 seats on patio. Entertainment will consist of televisions and recorded live/acoustical music with amplification. Automatic amusement devise will consist of 1 jukebox. PRESENT ON ZOOM: Attorney Steffani Boudreau and Erin Bashllari. All approved 2-0.

TRANSFER OF WINE AND MALT RESTAURANT LICENSE, CHANGE OF CATEGORY, NEW COMMON VICTUALLER, AND ANNUAL ENTERTAINMENT LICENSES

Application filed by Attorney Laurence Lee, 246 Walnut Street, Newton, MA 02460. For a new common victualler, new annual entertainment, change of category and a transfer of a wine and malt restaurant license from ARC restaurant Group, Inc to Thai Ledu, Inc d/b/a Ledu Thai Eatery to be exercised at 313 Walnut Street, Newtonville, MA 02460. The category will change from wine and malt to all-alcohol. The manager will be Phirun Meas. The hours of operation will be Monday through Saturday 11:30AM – 9:00PM and Sunday from 12:00PM – 9:00PM. There will be 6 seats. Entertainment will consist of television and recorded music below conversation level. PRESENT ON ZOOM: Attorney Laurence Lee, Phirun Meas, Bora Lim and Sovanna Le.

Attorney Laurance Lee corrected the agenda's printed manager of record from Henry La to Phirun Meas and hours of operation from Monday through Sunday from 6:00AM – 8:00PM to Monday through Saturday 11:30AM – 9:00PM and Sunday from 12:00PM – 9:00PM. All approved 2-0.

DECISION REGARDING PRORATING LICENSE FEES

Decision regarding regulation change to prorate license fees.

Commission Chair Kathleen McCarthy stated for the record that Assistant City Solicitor Jaclyn Zawada was present at the meeting and welcomed her. She stated that administrative staff Manuela Familia had raised an issue about a potential conflict between the prorating of fees and one of the Board of License Commissioners' regulations and asked Jaclyn if she knew what that was about. Jaclyn responded that she was not aware of a conflict. She stated that early that day Jaclyn and Assistant City Solicitor Andrew Lee received an email from Manuela Familia about the proposed language, which Manuela had written up based on the last meeting. She explained how Andrew and herself reviewed the proposed language and the Board of License Commissioners' regulations and based on that, she stated the Board of License Commissioners can amend or modify its regulations if there is proper notice and a proper hearing. She continued to say that the prorating of license fees was noticed properly because there is no other requirement under the law, since it was on the agenda, it did not have to be noticed in the newspaper. She stated that if there was going to be a change, she expected a public hearing to be open, a discussion, closing of the public hearing, and a vote.

Commission Chair asked if a public hearing was already noticed for that day, or if the Commission had to notice it at later date. Jaclyn responded that based on a review of the Board of License Commissioners' regulations, the Board would have to provide proper notice and a public hearing. She explained that the fact this item made it into the agenda, Andrew and herself were satisfied with that as proper notice. If at this point the Board was ready, the Board could open a public hearing, have a discussion, close the meeting, and have a vote.

Commission Chair stated that she was looking for the email from Manuela where it was stated that there was a conflict. Administrative staff Manuela Familia explained that she had submitted to the Board what the law department drafted. Manuela Familia then screen shared the document with the law department's notes. **Exhibit A.** Commission Chair Kathleen pointed out the current language of regulation where it states that fees will not be prorated and that it will need to be deleted from the regulation.

Commissioner Chair Kathleen McCarthy asked Anil Adyanthaya if he had any thoughts about opening a public meeting regarding this. Commissioner Anil questioned if the mayor's office had any comments and if they were noticed about this matter. Kathleen responded that was good point since the city did weight in when the Board of License Commissioners reduced the fees in recognition of the COVID-19 pandemic stating that it would create financial impact in the city's budget. Commission Chair expressed that she wanted to make sure that if the Board of License Commissioners were to make a decision, that the City of Newton was notified. Commissioner Anil Adyanthaya stated that he would like to get some feedback or at least an acknowledgement that the city knew about this matter. Kathleen agreed whereas it is fiscal issue, she expressed that Anil's recommendation was good path to take. That the Board should at least make the city aware that there will be a public hearing and it will relate to finances. This should be underlined and bolded to make clear. Commission Chair requested that the item be in the agenda as bullet point that said, "Public hearing on regulation change to prorate license fees". She continued to state the city should be reached for their input would be appreciated. Administrative staff Manuela Familia informed that per the request of the Commission she did reach out Jonathan Yeo and that there was no reply. Commission Chair asked Anil if that changed his feelings about this matter and he replied that it did slightly but not enough to changing the path of putting this matter off for another month. He expressed that he would feel better if there was a confirmation, as opposed to failure to reply. He explained he appreciated Manuela's efforts but given the financial impact that would not be sufficient.

Commissioner Anil Adyanthaya had questions and comments about the proposed language. Commission Chair wondered what licenses would be affected by this proposed regulation change. Assistant City Solicitor Jaclyn Zawada respectfully recommended that a public meeting will be helpful for the Board to hash out what is the intent, what is the rationale, and based on the end result the law department would help with right language to get to the heart of what the Board is trying to achieve.

Commission Chair proposed to vote to that this matter be put on the next month's meeting, for it to have a bolded subject line that says, "Public hearing regarding prorating licensing fees", and to make another effort to reach out to the city to ask if they would like to comment regarding this matter. Board of License Commissioners **approved 2-0.**

Announcement from Commission Chair Kathleen McCarthy. Commission Chair stated she is resigning from the Board and that this might be her last meeting. She expressed that it has been an honor and a privilege to serve this City for almost a quarter of a century.

Meeting adjourned at 8:41PM.

Respectfully submitted by:

Manuela Familia
Administrative Clerk

Exhibit A

a) Filing Fees: all required filing fees charged by the Board and by the ABCC pertaining to all licenses issued by the Board must be paid in full at the time the application is filed with the Office of the Board. An application will not be considered unless all fees are submitted with the application. All filing fees are non-refundable.

b) License Fees –for New, Transfer, and Annual Renewal Licenses: all license fees for any license issued under these Regulations must be paid in full prior to the issuance of the license. An application will not be considered unless all license fees are submitted with the application. If a new annual license is approved by the Board in the last quarter of the calendar year, the license fee will be prorated to fifty (50%) percent of the applicable license fee.