

Watertown Town Council

149 Main Street, Watertown, MA 02472

Phone: 617-972-6470

Via Remote Opportunities -see posted [Agenda](#) for details

Committee on Rules and Ordinances

Minutes of Thursday, January 28, 2021 at 5:00 p.m.

Present: Councilors Anthony Donato, chair; Kenneth Woodland, vice chair; Lisa Feltner, secretary.

Also present: Steve Magoon, Asst. Town Manager & DCDP Dir.; Donna Doucette, Licensing Board chair; Atty. David Doneski, KP Law; Pres. Mark Sideris and Town Councillor Anthony Palomba joined the meeting late due to difficulty with remote connections.

AGENDA: Consideration of Special Legislation to Enable Local Control over Transitioning from Beer and Wine Package Store Licenses to All Alcohol Package Store Licenses.

Chair Donato called the meeting to order with in accordance with the [Governor's Order](#) to suspend certain provisions of the Open Meeting Law (issued March 2020), and he acknowledged that Section 17 of [Chapter 138 of MGL](#) (Mass. General Law) is very confusing and wishes it was written more clearly for the lay person to be able to understand.

Woodland stated he was eager to ask questions about “general” licenses, not special liquor licenses, and asked about how many liquor licenses Watertown has at any one time.

Doucette and Doneski explained: We have 34 or 35, based on a quota system [per Section 17](#), which uses population metrics to authorize the number of licenses per community. They are also divided between “on- and off- premises” but the general principle under Section 17 is related to population, with no authority by local authorities to convert them out of hand.

There are roughly 20 available for on-premises, which include Veterans Associations and Social Clubs, and they are all split between beer-wine; some are for 7 days, some are for 6. Among Common Victual, 9 of them are 6-days; 23 are 7-day licenses. There are also 7 wine and malt-only Restaurant licenses.

Doucette explained that the overall quota is based on the most recent federal census. She also stated that the number of licenses established by the quota would not decrease based on a loss of population from one census to the next. Although the Town may anticipate a higher population based on the 2020 Census (yet to be released) and thus a higher quota for liquor licenses, we are already over our quota, because of a previous decrease in population. So we have to wait and see, and any new license would also have to be assigned to the corresponding category.

Donato asked if new licenses are considered on “first come, first serve”. Doucette and Doneski provided clarity: yes, but it’s also whoever gets their Application in first. And many people have a hard time with the online state system. We also consider case law, on when licenses do become available and how to consider requests.

Woodland asked why is there a distinction between beer-wine and all-alcohol licenses, and he feels there should be no difference between them. Doucette shared that it goes back to Colonial days, pre-Prohibition. When inns were few and far between, they were considered life-giving, since water was not potable then, and in fact you still have to be open, per regulations. It also has to do with the percentage of alcohol in a product; and the means for erasing that distinction lies with the Massachusetts Legislature (Legislature).

Woodland expressed his desire for Watertown to ask for a special act by the Legislature. Donato asked if Atty. Doneski is aware of anybody else asking the Legislature to change this, or if he knows of support for this at the state house, since the rules are the same across the state. He and Doucette explained: Yes, on more than one occasion, as well as a request to remove the Quota at the beginning of their session, but you can't 'just do it' because we would bump into the quota system based on population. You can file that special legislation and say "we don't care" about the distinction, but you still have the quota system. So you'd have to get a special dispensation from MGL and that's a whole lot of lawyers and a lot of expense. I suppose Watertown might find common cause with other communities, but that's a tough approach. You also need to keep in mind that the license holder may not be allowed to transfer it to someone else if you did receive special compensation; it could go back to the Town for a new or different application.

Other concerns by the committee included- How do you protect the traditional liquor licenses? Since those who hold a beer-wine pay significantly less than all-alcohol, how do we protect equity? We were looking at adjusting or creating a tiered cost. But given the current mechanism, of the quota system, you'd be effectively telling the Legislature that you don't want to abide by the quota established by MGL. So even if we were willing to abide by the total number of licenses granted and certified by ABCC (the state Alcohol Beverage Control Commission), which occurs each year and includes licenses' locations, there isn't a strong case for the Legislature to look particularly favorable on Watertown. But it's true that if new legislation was approved, whatever the ABCC currently uses to codify would be overridden.

Feltner agreed that it is complicated and things are rather interwoven, so once you change one part, it affects another. She would also like to hear about potential benefits from an economic development perspective, or perhaps reasons not to pursue the matter.

Woodland expressed that he would like to research the ability to pursue ignoring the distinction, not just for any package store, but also for restaurants, social clubs, etc. to be able to sell all-alcohol. Doucette said this means you'd either ignore the distinction within the quota, or ignore the quota altogether.

Magoon also shared some concern about devaluing the existing all-alcohol licenses, and he doesn't think it's going to be a game changer in bringing restaurants to Watertown either way. Given there is a letter every year asking MGL to change, he also doesn't see them giving Watertown special dispensation.

Woodland remains eager to pursue options and volunteered to research the subject and bring it back to the committee for consideration. Magoon will also present any other thoughts about potential economic benefit. Atty. Doneski will provide the most recent notice by ABCC, that details our current licenses, to Town Council and Steve Magoon before the next committee meeting. Feltner confirmed she did not receive any emails or phone calls for public comment during the meeting.

It should be noted that Councilor Feltner was disconnected from 5:47 – 5:49 p.m.

Feltner entertained a Motion to Continue by Woodland, seconded by Donato; Approved 3-0.

6:10 p.m. Motion to Adjourn by Feltner, seconded by Woodland; Approved 3-0.

Respectfully submitted, Lisa Feltner