

**Rule & Ordinance—Economic Development  
Meeting December 14, 2009  
Public Hearing—Harvey Room**

**Minutes:**

**Called to Order: 7pm**

**Attending: Philip Boncore, Chr. Richard Gill Jeanne Maggio  
Jim Letterie Russ Sanford  
Tom Reilly Jerry Ogus James McKenna Atty. McEnaney**

**Hearing on BYOB (Bring Your Own "Bottle") restaurants.**

**Explained: That a Public vote was taken to reduce restaurant seating  
To 25 so they could apply for a liquor license.**

**Also explained that at this time there is nothing before the  
Council for any action for or against BYOB. The public hearing is to  
listen to the restaurant owners, the public and their feelings about this  
issue.**

**Chr. Boncore also stated that members of the council had also received  
many emails concerning this issue.**

**Jerry Ogus, Chr. Of the License Comm. Submitted samples for BYOB  
from Swampscott. Stated that BYOB is not under ABC regulation. No  
restaurant that has a liquor license can have BYOB.**

**There are no formal rules or regs. in Winthrop. There is concern for  
citizen safety and liabilities. The Lic. Bd. Feels that there need to be  
some rules/regs. for BYOB. Examples are: TIPS training, carry  
insurance, must serve an entrée, have wait service.**

**Public Comments:**

**BYOB has not been a problem for those restaurants that presently  
allow it. People come for the good food, not to necessarily sit all night  
and drink.**

**Some restaurants do not have seating for 25, but on occasion there is a  
BYOB night with entertainment.**

**Restaurant under 25 is known for its good food, and bringing a bottle  
of wine has never been a problem at that establishment.**

**The expense of a full liquor license would be prohibitive to these owners as they do not make any money on the BYOB brought in by patrons.**

**The small restaurants felt if clientele were not allowed to bring in BYOB their business would suffer.**

**A couple of the 25 seat restaurants stated they were happy with the way things were, but would comply if there was a requirement put in place.**

**Restaurant speakers: Alleia, Moonstruck, Rossetti's, Winthrop Arms, La Siesta**

**One restaurant owner felt if they had to have requirements, and pay for license that the others should as well.**

**Police Chief: That regulations were necessary as the way things are now customers could bring in wine and beer into a sub. shop. If there are regulations, they can be enforced. Only beer and wine. No hard liquor.**

**Other citizens: Times are tough, and a \$1000. fee would hurt these establishments. We need to be business friendly**

**Concerned with the message we send to the youth.  
Need regulations.**

**The consensus of the restaurant owners that this would affect, stated they had no problems with having TIPS training, and other regulations being put in place as long as they could continue with BYOB.**

**Councilor comments:**

**Pres. Reilly: there is no recommendation from Council at this time. There is no plan in place, we are here to listen.**

**R. Sanford: Some regs for safety. If other business come in do we or don't we want BYOB**

**N. Delvento: Proportional fee. Regs. that protect citizens**

**J. Maggio: Follow TIPS, Insurance, other regs.**

**P. Boncore: 25 seats is still an issue for license**

**Close Public comment. 10 minute break**

**Re-convene: 8:15**

**Atty McEnaney: Tow Liability—valid defenses would bar claims against town, even though suits could be brought. With a liquor license, cannot have a BYOB license.**

**Fee: Based on Emerson College Test: meet 3 parts. Cost assess. With fee reasonable related to enforcement. Dept. of Revenue offers guideline as to how. If license issued (BYOB) cannot serve, store, assist in serving. Cannot charge a set up fee. Even with TIPS training and insurance cannot. Should it be called a license, permit or policy?**

- 1. Lic. Comm. Could adopt policy 2. Council to adopt an ord.**
- 3. Council to adopt BYOB pol. through reg. Of lic. Board**

**Council sets fee. Determines type of license.**

**Do we set up 2<sup>nd</sup> tier of lic. And price.**

**Do we determine regulations of BYOB**

**ABC set limit by POP of licenses. Rules reg. Set up by Lic. Board**

**Should 25 seat and over have to have license (a 75 to 300 seat restaurant could have a BYOB ????)**

**Any language by T. Mgr. And Atty.**

**Motion: by J. Letterie, 2<sup>nd</sup> by R. Sanford**

**To adopt a BYOB policy and send to Lic. Board for regs.**

**Suggest TIPS, Insurance any additional policy that enables enforcement.**

**Number of seats in the motion. Yes 3 to 2**

**Amended motion to max. # of seats to 25 to have a BYOB**

**No vote 3-2**

**Meeting adjourned at 9:15**

**Respectfully submitted:**

**Jeanne Maggio**

**Acting secretary**