

**BOARD OF SELECTMEN**  
**Town Hall Conference Room**  
**Minutes of April 2, 2012**

Chairman Laura Powers called the meeting to order at 5:01 PM. Board members present, in addition to Chairman Powers, were Martha Morrison, Dick Gandt, Eldon Goodhue and Ken Vogel. Of the Selectmen's staff, Town Administrator Virginia Wilder was in attendance. Other persons present during all or part of the meeting were Richard Adelman of Alfalfa Farm and Mr. Adelman's Attorney Francis A. DiLuna of Murtha Cullina LLP.

Chairman Powers stated that the purpose of the meeting was to review and vote the 2012 Annual Town Meeting Warrant.

Selectman Morrison made a motion that the Board vote to approve the 2012 Annual Town Meeting Warrant as presented. Selectmen Vogel seconded the motion; so voted: 5-0.

Chairman Powers then opened the floor to discussion.

On the matter of Article Thirty-Sixth of the 2012 Warrant, ALFALFA FARM WINERY – ALCOHOL LICENSE, Attorney DiLuna presented a letter for the Board's review as to his interpretation of Massachusetts General Law (MGL) c.138 § 19B, taking the position that a "local licensing authority does not have the capacity to grant licenses for the sale of alcoholic beverages at a domestic vineyard possessing a valid farmer winery license." Based on his interpretation of the law, he further stated that the proposed article "is unnecessary and unwarranted" and denies Mr Adelman rights granted him in MGL c.138 § 19B.

Selectman Vogel, as a former member of the Town appointed Topsfield Alcohol Licensing Advisory Committee, stated that the Town does not disagree that Mr. Adelman has the right to sell his wines wholesale or retail mail order. Rather the position of the Board is that he does not have the right to sell retail from the Winery as the Town has not accepted MGL c. 138 Alcoholic Liquors. Therefore, the purpose of this warrant article is to remedy that situation by conferring upon the Board of Selectmen authority to issue a license to Alfalfa Farm Winery to sell at the Winery at retail the Winery's wine.

Selectman Gandt asked Attorney DiLuna to explain his position. Following Attorney DiLuna's explanation of his position, members of the Board of Selectmen reiterated that the Town has not adopted MGL c. 138 and does not intend to do so.

There followed a lengthy discussion on the difference between various types of alcohol licenses that the Town currently allows, i.e. a restaurant license, a one day liquor license, etc. Selectman Morrison explained how Mr. Adelman could become a conference and event facility which would allow non-profits using his facility to apply for a one day license.

Reiterating an earlier remark by Selectmen Vogel, Chairman Powers stated that she thought it best to leave the article on the warrant and let the Town Meeting decide the issue. Selectman Goodhue agreed stating that leaving the Article in the Warrant would not pre-empt Mr. Adelman from presenting his case to the Town Meeting; and, if in his wisdom, he felt harmed by the article, he could ask the Town Meeting to vote it down.

At the conclusion of discussion, Chairman Powers asked the Board as to their position. Selectmen Goodhue reiterated his sentiment that he would be more concerned if the Town were to do nothing.

As voted at the beginning of the meeting, the 2012 Annual Town Meeting Warrant remained as written.

**Warrants:** The Selectmen signed and approved warrants in the amount of \$ **400,414.27**. The breakdown is as follows:

Warrant FY12:	
079T	\$ 82,343.93
079School	\$ 243,780.29
080	\$ 74,290.05

At 6:19 PM, Selectman Gandt made a motion to adjourn and Selectman Vogel seconded the motion; so voted: 5-0.

Respectfully submitted,

Virginia L. Wilder  
Town Administrator

Per the Open Meeting Law, the documents that were either distributed to the BOS before the meeting in a packet, or at the meeting were:

1. 2012 Town Meeting Warrant package
2. Attorney Francis A. DiLuna of Murtha Cullina LLP's letter dated April 2, 2012

*Approved as amended at the April 23, 2012 Board of Selectmen's meeting.*

Pursuant to the 'Open Meeting Law,' G.L. 39, § 23B, the approval of these minutes by the Board constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Board as to the completeness or accuracy of such statements.
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