

**BOARD OF SELECTMEN**  
**Working Session**  
**Town Hall Conference Room**  
**Minutes of May 1, 2013**

Chairman Eldon Goodhue called the meeting to order at 4:00PM. Board members present in addition to Chairman Goodhue, were Martha Morrison, Dick Gandt, Laura Powers and Ken Vogel. Of the Selectmen's staff, Town Administrator Virginia Wilder and Board Secretary Donna Rich were in attendance. Other persons present during all or part of the meeting were Kopelman & Paige PC representative Lauren Goldberg, Alfalfa Farm Winery owner Richard Adelman, Alcohol Licensing Advisory Committee member Nancy Luther, Finance Committee Member Paul Dierze, Agricultural Commission Chairman Trudi Perry, attorney for Richard Adelman, Frank DiLuna and Fairgrounds Manager Jamie O'Brien.

Alcohol Issues within the Town of Topsfield: Chairman Goodhue turned the meeting over to Kopelman & Paige PC representative Lauren Goldberg. Lauren stated that there would be three areas reviewed today: 1) Status of last year's Town Meeting petition to the legislature for Alfalfa Farm to be allowed to have wine tastings for a fee at the winery located at 267 Rowley Bridge Road, 2) this year's Citizen Petition for Alfalfa Farm Winery, located at 267 Rowley Bridge Road, to be permitted to pour a glass of wine on premise and charge a fee and 3) the new catering law related to serving alcohol at events.

1) Lauren Goldberg reported that the Home Rule Petition filed after the 2012 Town Meeting which would allow Alfalfa Farm Winery to have wine tastings and to sell wine for off premise consumption has been filed with the current Legislature and is pending review. Lauren noted that with Mr. Adelman producing a copy of a 19F License for Alfalfa Farm Winery, which allows the sale of Alfalfa Farm wine by the bottle for off premise consumption, most of Section 1 of last year's petition would not be necessary. If the petition were to be moved forward, then to be consistent with the existence of the 19F License, the Board of Selectmen would be asked to vote the change in language on behalf of Town Meeting. Lauren then noted that the language in the pending Bill regarding wine tastings "with or without charge" raised concern with the Alcohol Beverage Control Commission (ABCC) Attorney William Kelley who commented that it would give the Alfalfa Farm a competitive edge over other farm wineries. Since other farmer wineries charge for tasting it was recommended that the words "or without" be removed from the pending Bill. After a conversation with Senator Lovely and ABCC Attorney Kelley, while the pending Bill is on hold right now, if this year's new petition were not to pass Town Meeting and the Board wanted to pursue the pending Bill, then we, the Town and Legal Counsel would work with the ABCC to arrive at an acceptable conclusion with an attached letter regarding language changes to the petition.

2) Lauren then spoke about the Citizens Petition Mr. Adelman presented which would go before this year's Town Meeting. This petition requests that the Board of Selectman seek a special act which would authorize the Board to issue a pouring license to Alfalfa Farm Winery under Section 12. This would be Alfalfa Farm Winery's second alcohol license. The first license is the 19F License that was issued Alfalfa Farm Winery by the State. Lauren explained that farmer wineries are the only entities that are allowed to have more than one type of license and that the ABCC would allow a section 12 license for Alfalfa Farm Winery. If this Section 12 License is approved, the pending Bill would not need to be pursued. Lauren went on to explain that if the Citizen Petition passes at Town Meeting, the Board of Selectmen would then send the Petition, along with notification of the certified vote, to the State Representative Brad Hill and Senator Joan Lovely to be filed with the House and Senate. Lauren then explained that the Joint Committee on Consumer Protection and Professional Licensure would hold public hearing on the new petition. Lauren next addressed the concern regarding restrictions that could be placed on a Section 12 License, noting that if the petition is approved at the State level, then the Board of Selectmen would be authorized to issue a license, but she noted that Alfalfa Farm Winery would

then need to come to the Town with the appropriate license premise description asking for the Board's approval. The Board of Selectmen's normal standard procedure for approval of alcohol licenses would remain the same; the Board would need to determine if the public needs would be served by the issuance of such a license. Issues of occupancy limits are determined by the entity that enforces the Building Code. Lauren talked about hours of operation, which would be those that are standard for a Section 12 License: 2PM-8PM, by right (State Law), although discretionary hours can be included in the license, if allowed by the Board of Selectmen. Lauren also reviewed Zoning Issues and State Codes which she noted could not be conditions for approval of a license. Lauren commented that the language in the Act which addresses poured by the glass, if approved, would be problematic the way it is written and she commented that it will need to match what the law requires, which is to state "pouring by the glass or by the bottle". There was discussion providing clarity of the pending Act and the Citizen Petition, including but not limited to "on premise" and "off premise" consumption of alcohol. Lauren then explained how the Special Acts and the language "notwithstanding" translates to the sections under Chapter 138. Then Lauren presented details about how Topsfield allows alcohol use in the Town.

3) Lauren explained the new Caterers License which is issued by the State; it includes notifying the Town's licensing authority (Board of Selectmen) and the Police Chief 48 hours prior to an event as well as specifying who will be the responsible manager for the event. Limitations of the Caterers License were discussed, which include: alcohol can only be served at the event for up to 5 hours and the event must be a private event (it cannot be publically advertised). Lauren reviewed the requirements for a private event. In addition, Lauren explained that a Caterers License cannot be utilized in a location that already is a licensed premise. Example: If Alfalfa Farm has a liquor license of any kind, they cannot have a caterer come and exercise a caterer's license at that location. Public Safety and Zoning issues were also reviewed by Lauren. Lauren clarified that alcohol to be served is not limited to wine and malt beverages; Caterers License allows a full alcohol bar including its operation as a cash bar. Lauren stated that the ABCC could be requested to provide their opinion regarding the limit of the Caterers License to only beer and wine, and not the full bar options.

Lauren reviewed 15C language.

Chairman Goodhue asked if there were questions from the visitors.

Alcohol Licensing Advisory Committee member Nancy Luther asked if the Town adopted Chapter 138 could the Town give out less than the number of allowed licenses; Lauren said no you couldn't. Lauren went on to explain that the Town could petition a Special Act to obtain a certain amount of licenses. It becomes a policy issue and planning ahead to what the needs and wants of the Town would be.

Finance Committee member Paul Dierze asked who represents the Town's thoughts and concerns related to the recommendation of "no action" at Town Meeting. Lauren went over Town Meeting protocol, commenting that it would become a debatable issue.

Alfalfa Farm Winery owner Richard Adelman asked why the Finance Committee recommended "No Action"? Paul Dierze responded that it was because it was pending further information.

Attorney for Richard Adelman Frank DiLuna asked what other information the Finance Committee is looking for. Lauren stated that the Finance Committee does not have to have a reason stated, and that attendance at the Finance Committee meetings would have been where it would have been discussed.

The Selectmen then had a discussion on how best to prepare for the Town Meeting and the Citizen Petition article.

At 5:25PM, Selectmen Gandt made a motion to adjourn and Selectman Morrison seconded the motion; so voted: 5-0.

Respectfully submitted,

Donna Rich, Secretary  
Selectmen's Office

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. Agenda

*Approved as amended at the June 10, 2013 Board of Selectmen's meeting.*

<p>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.</p>
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