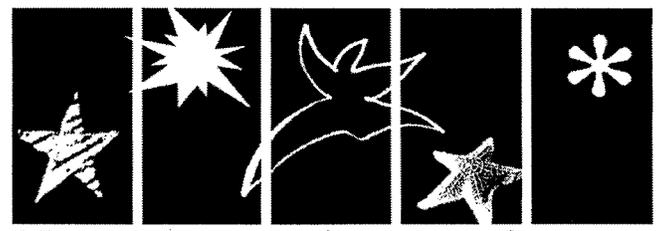


1300
Consent

6/23
19

ACTON/BOXBOROUGH CULTURAL COUNCIL

THIS COUNCIL IS FUNDED BY THE



MASSACHUSETTS CULTURAL COUNCIL

Acton/Boxborough Cultural Council, P.O. Box 2291, Acton, MA 01720

June 9, 2003

John Murray
Assistant Town Manager
Town of Acton

Greetings, John!

I'm hoping you can help us since you are the "ABCC contractual overseer" and my general Town "questions connection".

The Acton Boxborough Cultural Council needs literally a few minutes at the next Board of Selectmen's meeting on Monday, June 23, 2003. If there is no room on the agenda, then we would gladly come in at 7 pm for the period of Public Participation.

We are planning for an "Evening of Jazz" Cabaret Night with vocalist, Semenya McCord on Saturday, October 18, 2003, in Boxborough. Funding will come from our Town of Boxborough funds and ABCC joint funds. No "Acton money" will be used. We have unanimous support from the Town of Boxborough Board of Selectmen and their Town Administrator, Natalie Lashmit, to host the event at the Boxborough Town Hall and serve wine. The Boxborough BOS have waived the Liquor license fee and are taking out a one day Certificate of Insurance with \$50,000 of limited liability coverage for the ABCC.

The Town of Boxborough's MIA Insurance Agent, Tricia Doyle, has recommended that the Acton BOS should be notified and "on board" with the project since we are a joint Town Board.

Attached please find a copy of the specific stipulations that the ABCC has agreed to regarding the wine sales. Thank you for your help and support. If you have any questions, please give us a call.

Sincerely,

Jean Butler
ABCC Chairperson
978-263-0108

Mitzi Weil

ABCC Treasurer
Evening of Jazz Coordinator
978-263-5497

*The Acton Boxborough Cultural Council
Presents:*

*An Evening of Jazz
With Semanya McCord*

*Saturday, October 18th
Boxborough Town Hall
8:00 pm to 11:00 pm*

The Boxborough Board of Selectmen has approved an "Evening of Jazz" cabaret event to be held at Boxborough Town Hall.

The selectmen approved the ABCC's request to sell/serve wine at its Jazz evening subject to the following conditions:

- Designated servers*
- Servers shall require positive identification*
- Cups used for wine and non-alcoholic beverages shall be visibly different*
- There shall be a limit of two glasses of wine per person*

The board of selectmen has waived the fee for the special license and has arranged with the insurance company for a certificate of insurance. A police detail has been arranged and will be present from 7:30 pm until 11:30 pm.

This is a very small venue with limited seating. We do not expect to be able to accommodate more than 130 people on the premises. Tickets will be presold through members of the cultural council and local businesses.

The ABCC contact person for this event is Mitzi G. Weil 263-5497.

Special Events

Local licensing authorities may issue special licenses for the sale of wines and/or malt beverages to a responsible manager of any indoor or outdoor activity or enterprise (for profit or non-profit). Special licenses for the sale of all alcoholic beverages may be issued to non-profit organizations only. No person may be granted special licenses for more than a total of 30 days per calendar year and no special license will be granted to any person while his application for an annual license under Section 12 is pending before the licensing authorities.

No more than one license can be issued for a premises at one time. Therefore, a Section 14 special license **can not** be issued for use in a licensed premises. Regulations for Section 14 are found in 204 CMR 7.00.

Persons holding a special license must purchase alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer brewery or special permit holder. A person holding a Section 14 license cannot purchase alcoholic beverages from a package store.

Regulations

204 CMR 7.00:
SPECIAL LICENSES

7.01: Notice by Local Authority

Not more than ten days after approving a license pursuant to the provisions of M.G.L. c .138,s. 14 (Special License), the local licensing authority shall notify the Commission of such approval in writing. Such notice shall include the name of the city or town, the name and address of the licensee, date of the local authority's approval, the date or dates for which the license is effective, the hours during which sales are authorized, a description of the licensed premises, whether the license is for all alcoholic beverages, wines and malt beverages only, or either of them, whether the licensed activity or enterprise is for profit or nonprofit, whether the license is for a dining hall maintained by an incorporated educational institution authorized to grant degrees, and any restrictions attached to the license by the local authority. The Commission may require use of a form approved by the Commission for this purpose.

7.02: Licensee

A special license, other than a special license for a dining hall maintained by an incorporated educational institution authorized to grant degrees, may be issued only to a natural person, although the licensee may be a responsible manager acting on behalf of a corporation, partnership, or other entity.

7.03: Hours of Sale

The hours during which sales of alcoholic beverages may be made by a special licensee shall be fixed by the local authorities, but no special licensee may sell or deliver any alcoholic beverage between the hours of 2 A.M. and 8 A.M.

7.04: Duration

No special license, other than a special license for a dining hall maintained by an incorporated educational institution authorized to grant degrees, shall permit sales on more than 30 days, nor may any person be granted special licenses permitting sales on an aggregate of more than 30 days in any calendar year.

7.05: Authorized Suppliers

No special licensee may sell any alcoholic beverage other than those purchased from a licensee under M.G.L. c. 138, ss. 18, 19, 19B, or 19C or from a holder of a special permit to sell issued under M.G.L. c. 138, s. 22A.

7.06: Local Supervision

Whenever, in the opinion of the local licensing authorities, any applicant for a special license fails to establish to their satisfaction his compliance with the requirements of M.G.L. c. 138, duly promulgated state or local regulations, or any reasonable requirements which the local authorities may from time to time make with respect to such licenses or to the conduct of business by such licensees, said authorities may refuse to issue or reissue to any such applicant such license. Whenever in their opinion any special license holder fails to maintain compliance with the requirements of M.G.L. c. 138, regulations, and requirements, they may, after hearing or opportunity therefor, modify, suspend, cancel or revoke such license. The licensing authorities shall mail a notice of such action to the applicant or licensee, stating the reasons such action and shall at the same time mail a copy of such notice to the Commission.

7.07: Commission Supervision

The Commission may investigate the granting of any special license and the conduct of the business being done thereunder, and shall, after hearing, modify, suspend, or revoke or cancel such license if, in its opinion, circumstances warrant.

7.08: Severability

The provisions of 204 CMR 7.00 are severable, and if any provision or the application thereof is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect any other provision of 204 CMR 7.00.