

Town of Acton General License or Permit Application

For Town Use Only

To the Licensing Authorities of Acton:

The undersigned hereby makes application for the following described license, in accordance with the provisions of the General Laws, and amendments thereto.

Fee: \$200.00

7-13-16, 2016

Please indicate the License or Permit for which application is being made

Auction	Entertainment	One Day Liquor	Common Victualer	Class 1 or 11
Automated Amusement	24 Hour Permit	Fair or Sale	Concert	Other Carry-In

Name of Organization/Applicant: FILHOS GREAT ROAD INC
Location of Event 59 GREAT ROAD, ACTON, MA 01720
Name of Owner of Premises OSWALDO Z. FILHO

Common Victualer License - Carry In Intoxicating Alcoholic Beverages

Date of Event:.....**Hours of Event or Operation:** T-SAT 11AM - 10PM SUNDAY 3PM - 10PM
PLEASE PRINT CLEARLY

Name of person making application: OSWALDO Z. FILHO
Occupation: OWNER / RESTAURANTEUR
Residential Address: 152 GAY RD GLETON, MA 01450
Business Address: 59 GREAT ROAD, ACTON, MA 01720
Telephone: Home: 978 263 2222 **Business/ Cell:** 978 302 59 76
E-Mail Address: ozzie.filho59@gmail.com

Signature of Applicant



POLICIES AND PROCEDURES CUSTOMER SERVICE/EMPLOYEE RESPONSIBILITIES

All employees are required to adhere to the following policies. Failure to do so will result in immediate dismissal. Errors in the following policy, which lead to accident, injury or material damage could result in loss of liquor license, and/or prosecution of the employee and management.

1. Any person who appears to be under the age of 30 must present valid ID. A Massachusetts driver's license, liquor ID, passport, or active military ID are the only acceptable forms of identification.

Ask customer to remove ID from wallet.

Determine validity by:

- a. Checking birth date
- b. Checking expiration date
- c. Compare photo with customer
- d. Examine lamination (torn, frayed, or damaged)
- e. Look at composition of ID (does it confirm to ID Book)
- f. Compare signature with ID signature
- g. Hold flashlight to back of ID to illuminate cuts or abrasions

Communicate with the Customer by asking questions such as:

- a. Street address
- b. Year he/she graduated from High School
- c. Astrological sign
- d. Social Security Number

If you still have reservations, request a second form of ID

IF YOU STILL HAVE DOUBTS, Don't Serve!!

2. If an underage person accompanies the customer, other than a family member, assume the purchase is being made for the underage party, and decline the sale. Do not allow any underage persons to handle alcohol while on the premises and do not allow under age persons to sit at the bar. Underage persons may sit in the lounge if they are accompanied by an adult family member. Monitor underage persons in the lounge to insure they are not being served by others.

3. Do not allow any customer to bring containers of alcoholic beverages into the lounge. Should this happen, confiscate the beverage and dispose of in the sink.

4. Monitor the consumption of beverages by persons on the premises and do not sell alcohol to an intoxicated person. Behavioral cues to identify intoxication are:

Loss of inhibitions, such as being over talkative, overly relaxed or overly friendly, loud behavior, mood swings.

Exhibiting poor judgment, behaving inappropriately, using foul language, and telling off color jokes.

Glassy, unfocused eyes, moving very slowly, forgetting things, losing train of thought, slurred speech.

Stumbling, swaying dropping belongings or having trouble handling items.

5. Document any outstanding incidents immediately and thoroughly. Documentation should include date and time, how you handled the situation, and the actions of the customer (**forms attached to this document**).

Employee Name

Date

I have received instruction from store management and understand the policies and procedures of customer service/employee responsibilities. I have also received a copy of these procedures for my own records.

Employee signature

Date

Manager Signature

Date

Forms Attached to this policy:

Refusal of Service Report
Shut-Off Report

3/11/08

REFUSAL OF SERVICE REPORT

This report is to be used ONLY when a person comes into the establishment and you refuse to serve them any alcohol. This is not a shut-off report.

LOCATION: _____ **DATE:** _____

Report written by: _____ **TIME:** _____

Name of Patron: _____

Address of patron: _____

Description/Observation of patron: **Height:** _____ **Weight:** _____

Clothing worn by patron: Check off if known

Shirt type: Long sleeve _____ Short sleeve _____ **Color of shirt** _____ **Type of shirt**
i.e.) dress shirt, polo shirt, tee shirt, blouse _____

Pants type: Long _____ Shorts _____ Capri's _____ Other _____

Color of pants: _____ **Belt worn?** Y ___ N ___ Unknown ___

Socks and shoes if known: _____

Condition of clothes: (please check) disorderly ___ soiled ___ orderly ___ torn ___

Breath (alcohol odor) strong ___ Moderate ___ Faint ___ None ___

Attitude: polite ___ hilarious ___ talkative ___ carefree ___ sleepy ___ cocky ___
combative ___ indifferent ___ insulting ___ [profane ___ cooperative ___ Other _____

Unusual action: Belching ___ Vomiting ___ Fighting ___ Crying ___ Laughing ___
hiccupping ___ Other _____

Speech: Not understandable ___ mumbled ___ slurred ___ confused ___ thick-tongued
___ accent ___ understandable ___ Other _____

Eyes: bloodshot ___ watery ___ glassy ___ fine ___ other _____

Complexion: flushed ___ pale ___ other _____

Indicate other unusual actions or statements, including when they were first observed:

STEPS TAKEN:

Patron's actions & comments on steps taken:

Refused the sale of alcohol _____

Offered non-alcoholic beverage _____

Offered food _____

Offered to call another party _____

Suggested /called a cab _____

Was patron alone? _____ Did the patron drive? _____

The facts recorded above are true and accurate to the best of my knowledge.

Signature: _____ **Date:** _____

Print Name: _____

Supervisor signature: _____ **Date:** _____

Print Name: _____

CHAPTER T

“CARRY-IN” ALCOHOLIC BEVERAGES BYLAW

Chapter T “Carry-In” Alcoholic Beverages Bylaw

1. Definitions

For purposes of this bylaw, the following terms shall have the following meanings:

“Board” shall mean the Board of Selectmen acting as the Town’s local licensing authority for common victuallers under chapter 140 of the General Laws.

“Bylaw” shall mean this bylaw applicable to Carry-In Permission for alcoholic beverages to restaurants operated by common victuallers.

“Carry-In Permission” shall mean permission granted by the Board to a common victualler under this bylaw to allow alcoholic beverages to be brought by patrons and customers into and consumed in a restaurant which is owned, operated, leased, maintained or otherwise controlled by the common victualler.

“Common Victualler” shall mean a person duly licensed under the provisions of chapter 140 of the General Laws to conduct a restaurant.

“Alcoholic Beverages” shall mean alcoholic beverages as defined in chapter 138, section 1 of the General Laws.

“Restaurant” shall mean a restaurant as defined in chapter 138, section 1 of the General Laws.

2. General Rules

No common victualler shall permit alcoholic beverages to be consumed in a restaurant which is owned, operated, leased, maintained or otherwise controlled by the common victualler except pursuant to a valid license issued under the provisions of chapter 138 of the General Laws or pursuant to and in strict conformity with this bylaw and regulations adopted by the Board pursuant to this bylaw.

3. Carry-In Permission for Alcoholic Beverages

The Board may grant Carry-In Permission to a common victualler to allow alcoholic beverages to be brought by patrons and customers into and consumed in a restaurant which is owned, operated, leased, maintained or otherwise controlled by the common victualler provided that:

- a. Application for such Carry-In Permission shall be made to the Board at the time of the initial or renewal application for a common victualler's license or any time during a calendar year for the initial application for Carry-In Permission for an existing establishment having a common victualler's license.*
- b. The applicant for such Carry-In Permission shall not be less than twenty-one years of age and must be a person of good character in the Town.*
- c. No Carry-In Permission shall be issued to any applicant who has been convicted of a violation of a federal or state narcotic drugs law.*
- d. No Carry-In Permission shall be issued to any fast food restaurant, defined as a restaurant with seating but no table service.*
- e. No Carry-In Permission shall be issued to any applicant who has a license for the restaurant issued under the provisions of chapter 138 of the General Laws.*
- f. No Carry-In Permission shall be issued to any applicant whose license for the restaurant issued under the provisions of chapter 138 of the General Laws has been suspended or revoked, or to any person, firm, corporation, association or other combination of persons affiliated, directly or indirectly, with such licensee through any agent, employee, stockholder, officer or other person, or any subsidiary whatsoever.*
- g. Before approving or renewing Carry-In Permission, the Board may cause an examination or examinations to be made of the premises of the applicant or may otherwise review such evidence as the Board deems credible to determine whether such premises comply in all respects with the appropriate definitions of section one and whether activities conducted on the premises comply in all respects with the provisions of this Bylaw. The Board may deny Carry-In Permission or renewal of Carry-In Permission to any applicant where the premises and/or the activities conducted on the premises do not in the Board's judgment so comply.*
- h. The Board may refuse to grant Carry-In Permission in certain geographical areas of the Town, where the character of the neighborhood may warrant such refusal.*

3. Carry-In Permission for Alcoholic Beverages continued

- i. The common victualler shall comply with any and all conditions imposed by the Board with respect to such Carry-In Permission, including without limitation conditions with respect to hours and days during which such alcoholic beverages may be consumed in the restaurant and the insurance which shall be carried with respect to operation of the restaurant having Carry-In Permission.*
- j. Carry-In Permission under this Bylaw shall be not be transferable between persons or locations except with the advance permission of the Board and then only if consistent with the public interest. Carry-In Permission shall be revocable as provided herein.*
- k. Approval of Carry-In Permission under this bylaw shall not create any property rights; rather such permission is authorized solely to serve the public need and in such a manner as to protect the common good.*
- l. Every approval of Carry-In Permission under the provisions of this bylaw shall expire on December thirty-first of the year of issue, subject, however, to earlier revocation or cancellation within its term.*

4 Obligations of A Common Victualler Granted Carry-In Permission for Alcoholic Beverages

Any common victualler approved for Carry-In Permission shall at all times comply with the following requirements:

- a. The common victualler shall not permit any person under the age of twenty-one to consume alcoholic beverages in the restaurant. Any person bringing or accompanying any person bringing alcoholic beverages into a restaurant having Carry-In Permission shall, upon request of the common victualler, an Acton police officer, or an agent of the Board, state his name, age, and address, and produce a valid identification document. The common victualler shall verify by appropriate picture identification that any patrons and customers consuming such alcoholic beverages in the restaurant are twenty-one years of age or older. Any common victualler, or agent or employee thereof, under this bylaw who reasonably relies on a valid operator's license issued by the registry of motor vehicles pursuant to section eight of chapter ninety, a valid liquor purchase identification card issued pursuant to chapter 138, section 34B, a valid passport issued by the United States government or by the government of a foreign country recognized by the United States government, or a valid United States issued military identification card, for proof of a person's identity and age shall not suffer any modification, suspension, revocation or cancellation of its Carry-In Permission or common victuallers license by virtue of that individual's under-age drinking in the restaurant.*

4 Obligations of A Common Victualler Granted Carry-In Permission for Alcoholic Beverages continued

- b. *The common victualler shall only allow alcoholic beverages to be consumed in the dining room or dining rooms of the restaurant.*
- c. *The common victualler shall ensure that alcoholic beverages are not consumed in the restaurant by customers or patrons so as to cause or contribute to their becoming unruly and/or a danger to themselves or others either in the restaurant or on the public ways upon leaving the restaurant. The common victualler is hereby authorized to confiscate all remaining alcoholic beverages from any patrons or customers who appear to present a danger of becoming unruly and/or becoming a danger to themselves or others either in the restaurant or on the public ways by virtue of the consumption of alcoholic beverages. Any customers or patrons of a restaurant with Carry-In Permission shall be deemed at all times to consent to such confiscation if deemed necessary by the common victualler.*
- d. *The common victualler shall immediately report to the Acton Police Department any situation in which customers or patrons consuming alcohol in the restaurant appear to present a danger to themselves or others either in the restaurant or on the public ways by virtue of the consumption of alcoholic beverages.*

5. Regulations

The board may promulgate rules and regulations not inconsistent with the provisions of this bylaw for clarifying, carrying out, enforcing, implementing and preventing violations of, all and any of its provisions. Without limitation, the Board may make regulations (a) limiting the number of approvals for Carry-In Permission to be issued under this Bylaw, (b) determining the fee to be charged for Carry-In Permission under this bylaw, which fee shall not be more than double the license fee for a common victualler's license, (c) determining the method and frequency of inspection of the premises and method of carrying on the business of any common victualler having Carry-In Permission hereunder, and (d) for the proper and orderly conduct of any business having Carry-In Permission hereunder.

6. Penalties for Violation

Violation by a common victualler of this Bylaw or any regulation promulgated by the Board pursuant to this Bylaw shall be punishable by a fine of three hundred dollars per offense. Each day a violation continues shall be considered a separate offense.

Any person bringing alcoholic beverages into or consuming alcoholic beverages in a restaurant having Carry-In Permission shall be punished by a fine of three hundred dollars per offense for any of the following violations of this bylaw: (a) refusing, upon request of the common victualler, an Acton police officer, or an agent of the Board, to state his name, age, and address, and produce a valid identification document, (b) stating in response to such request a false name, age, or address, including a name or address which is not his name or address in ordinary use, (c) producing or displaying in response to such request a false or fraudulent identification document, (d) refusing to allow the common victualler to confiscate remaining alcoholic beverages under Section 4(c), or (e) acting in a manner dangerous to himself or others in the restaurant.

Any sums of money collected as fines shall be paid forthwith into the general revenues of the Town.

7. Suspension, etc., of Carry-In Permission

The Board may suspend, modify, cancel, deny, refuse to renew, or revoke Carry-In Permission for any violation of this Bylaw or any regulation promulgated by the Board pursuant to this Bylaw

The Board may suspend, modify, cancel, deny, refuse to renew, or revoke a common victualler's license in the event a common victualler has committed multiple, willful, or repeated violations of this Bylaw or any regulation promulgated by the Board pursuant to this Bylaw.

In case of suspension, modification, cancellation, denial, refusal to renew, or revocation of any Carry-In Permission or any license as aforesaid, no abatement or refund of any part of the fee paid therefor shall be made.

8. Severability

In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

9. Effective Date

This chapter shall take effect in accordance with M.G.L. c.40, § 32.



We the undersigned Selectmen of the Town of Acton, by virtue of authority vested in us by laws, do hereby license **Filho's Great Road, Inc, 59 Great Road**; as able to allow carry in Liquor by patrons Tuesday – Saturday, 11:00 AM – 10:00 PM, Sunday 3:00 PM – 10:00 PM

Said business to be conducted in such manner as to conform with the requirements of the Town of Acton Carry In Liquor Bylaw, Section T.

This license is to date from the 25th day of July, 2016 and to expire December 31, 2016 unless sooner revoked.

Given under our hands this 25th Day of July, 2016

Fee: \$200.00

Selectmen of the Town of Acton

From: [Frank Widmayer](#)
To: [Lisa Tomyl](#)
Subject: RE: carry in permit application
Date: Monday, July 18, 2016 1:51:34 PM

Lisa,

I have reviewed the application and recommend approval by the Board of Selectmen.

Regards,
Frank

Frank J. Widmayer III
Chief of Police

From: Lisa Tomyl
Sent: Wednesday, July 13, 2016 1:34 PM
To: Frank Widmayer
Subject: carry in permit application

Attached is an application for a carry in permit (brown bagging) for Filho's Great Road, Inc. It will be terminated upon completion and approval of the liquor license transfer sometime in mid-September.

Regards,

Lisa Tomyl

Executive Assistant
Office of the Town Manager
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(f) 978.929.6350
ltomyl@acton-ma.gov