

Partial Meeting Minutes – Berlin Select Board – Town of Berlin, Massachusetts

Thursday, January 19, 2023, at 6:30 p.m. (Virtual only - Zoom.us Webinar #148969555)

Present: Select Board members R. Scott Hawkins (Chair), Christine Keefe (Vice Chair), and Margaret Stone (Clerk), and Town Administrator Kristen Rubin.

The meeting opened at 6:30 p.m. The Board unanimously voted (3-0 - Hawkins/Keefe/Stone) to

1. Approve House Bill Number 5426 titled "*An Act authorizing the town of Berlin to grant up to two additional all alcoholic beverages licenses not to be drunk on the premises*" as approved via Article 4 at November 8, 2021, Special Town Meeting (See Exhibit A attached hereto), as further revised by the Joint Committee on Consumer Protection and Professional Licensure, version dated December 13, 2022 (See Exhibit B attached hereto).
2. Approve and release these pre-drafted & partial Berlin Select Board open session meeting minutes for this evening - January 19, 2023 - with regard to only the immediately-proceeding vote #1 to approve House Bill Number 5426 version dated December 13, 2022 (See Exhibit B attached hereto).

Respectfully submitted,

Mary Arata, Administrative Assistant to the Town Administrator

2 Attachments:

1. Exhibit A - Official Proceedings of November 8, 2021, Special Town Meeting - Article 4.
2. Exhibit B - House Bill Number 5426 "*An Act Authorizing the Town of Berlin to Grant up to Two Additional All Alcoholic Beverages Licenses Not to be Drunk on Premises*" version dated December 13, 2022.

APPROVED: January 19, 2023

Exhibit A

TOWN CLERK
23 LINDEN STREET, #8
BERLIN MA 01503

Phone 978-838-2931 – Fax 978-838-0014 – email: townclerk@townofberlin.com

I, Eloise E. Salls, Town Clerk of Berlin, hereby certify that the following is a true and complete extract from the records of the Special Town Meeting on November 8, 2021.

ARTICLE 4: Voted to authorize the Select Board to petition the General Court in the form set forth in the warrant for this meeting, authorizing the Board to issue up to two (2) additional off-premises all alcoholic beverages license, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court, and authorize the Select Board to approve amendments which shall be within the scope of the general objectives of the petition. The vote was 62 YES; 23 NO.

A true copy.

Attest:

Eloise E. Salls
Town Clerk of Berlin



Exhibit B

FILED ON: 12/13/2022

HOUSE No. 5426

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court

(2021-2022)

An Act authorizing the town of Berlin to grant up to two additional all alcoholic beverages licenses not to be drunk on the premises.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Berlin may grant two additional licenses for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of said chapter 138 as follows: (i) one to Berlin Liquors LLC located at 3 Bassett Road in the town of Berlin, and; (ii) one to Shaan Keshav Corp, d/b/a The Wine Cellar of Berlin, located at 1 Highland Commons West in the town of Berlin. The licenses shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall not approve the transfer of a license granted under subsection (a) to any other location, but it may grant a license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in

good standing with those departments and that all applicable taxes, fees, and contributions have been paid.

(c) If a licensee terminates or fails to renew a license granted under this section or any such license is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may, within 3 years after such return, then grant the license to a new applicant at the same location under the same conditions as specified in this section, otherwise such license shall dissolve.

(d) A license granted under this section shall be issued within 1 year after the effective date of this act; provided, however, that a license originally granted within that time period may be granted to a new applicant under subsections (b) and (c) thereafter.

SECTION 2. (a) Upon the issuance of the license authorized in clause (i) of subsection (a) of section 1, the licensee shall return physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, its license for the sale of wine and malt beverages not to be drunk on the premises under section 15 of chapter 138.

(b) Upon the issuance of the license authorized in clause (ii) of subsection (a) of section 1, the licensee shall return physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, its license for the sale of wine and malt beverages not to be drunk on the premises under section 15 of chapter 138.

SECTION 3. This act shall take effect upon its passage.