

**TOWN OF NORTHBRIDGE
BOARD OF SELECTMEN'S MEETING
NORTHBRIDGE TOWN HALL
7 MAIN STREET - WHITINSVILLE, MA 01588
December 18, 2023 at 6:30 PM**

NORTHBRIDGE TOWN CLERK
LINDA D. ZYWIEN

23 DEC 14 PM 3:01

RECEIVED

EXECUTIVE SESSION 6:30 PM

PLEDGE OF ALLEGIANCE

I. APPROVAL OF MINUTES

II. PUBLIC HEARING

III. APPOINTMENTS/Resignations

IV. CITIZENS' COMMENTS/INPUT

V. DECISIONS

A. Donna Picard d/b/a Maison de Manger/Vote to renew BYOB permit for 2024

B. Linda Zywiem, Town Clerk: **1)** Vote to allow early voting and vote by mail for 2024 Elections

2) Request to hang a banner across Church Street announcing the 2024 Elections for the following dates/times: **a)** Sunday, February 25 through at least Tuesday, March 5; **b)** Sunday, May 12 through at least Tuesday, May 21; **c)** Sunday, August 18 through at least Tuesday, September 3 (subject to change); **d)** Sunday, October 27 through at least Tuesday, November 5

C. Pine Grove Cemetery Deed/Vote to approve the sale of Lots 1 and 2, Woodlawn Avenue, to Bernice Morrissette

D. Town Manager Annual Review

VI. DISCUSSIONS

E. Banning of Mini Alcohol Nips

VII. TOWN MANAGER'S REPORT

VIII. SELECTMEN'S CONCERNS

IX. ITEMS FOR FUTURE AGENDA

X. CORRESPONDENCE

XI. EXECUTIVE SESSION: F. 6:30 PM - Under M.G.L. c.30A, Sec. 21 #2 – To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

Town Clerk: 2 Hard copies

Web: Post time-stamped copy

A.

License #: BYOB-1

**TOWN OF NORTHBRIDGE
BRING YOUR OWN BOTTLE**

This is to Certify that Donna E. Kennedy dba Maison de Manger [Donna Picard-Kennedy, Mgr]

670 Linwood Avenue, Suite 13A, Whitinsville, MA 01588

**IS HEREBY GRANTED A
BRING YOUR OWN BOTTLE LICENSE**

in said **Northbridge** and at that place only and expires **December 31, 2024**, unless sooner suspended or revoked for violation of the laws of the Commonwealth respecting the licensing of Bring Your Own Bottle. This license is issued in conformity with Northbridge's Bring Your Own Bottle Policy, and amendments thereto.

In Testimony Whereof, the undersigned have hereunto affixed their official signatures.

Sunday: _____

Monday: _____

Tuesday: 10 AM – 5 PM

Wednesday: 10 AM – 5 PM

Thursday: 10 AM – 5 PM

Friday: 10 AM – 5 PM

Saturday: 10 AM – 7 PM

Northbridge Board of Selectmen
Local Licensing Authorities

December 18, 2023
Date Approved

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE UPON THE PREMISES

Serving Alcohol

is proud to present this certificate to

Donna E Picard-Kennedy

for successful completion of the online course



Massachusetts Alcohol Seller-Server Course

Pursuant to Massachusetts General Law Chapter 138

PERSONS COMPLETING THIS COURSE HAVE AGREED TO EXECUTE THE FOLLOWING POLICIES TO THE BEST OF THEIR ABILITIES.

- * CARD ANY PERSON 35 YEARS OF AGE OR YOUNGER
- * OBSERVE AND REPORT ANY CUSTOMER SHOWING SIGNS OF POSSIBLE IMPAIRED BEHAVIOR TO MANAGEMENT
- * RESPOND IMMEDIATELY TO ANY POSSIBLE PROBLEM SITUATION
- * DETERMINE THE PEOPLE ENTERING THE PREMISES TO CONSUME ALCOHOL ARE OF LEGAL ALCOHOL DRINKING AGE AND RECORD THEM IF THERE IS ANY QUESTION ABOUT THEIR AGE
- * ENSURE A PERSON MATCHES THEIR VALID LEGAL IDENTIFICATION

Verify online at
servingalcohol.com

Verification Code
brRCIXwgkO

Date Issued
Dec 20th, 2022

VALID FOR 3 YEARS

Learn more about this wallet card at <http://servingalcohol.com/wallet-card>

Massachusetts Bartender License
Name: Donna E Picard-Kennedy
Certification Date: Dec 20th, 2022
Certificate Code: brRCIXwgkO
Verify Online: servingalcohol.com
Pursuant to Massachusetts General Law Chapter 138

TOWN OF NORTHBRIDGE
Policy for Service of Alcoholic Beverages by Restaurants on a
"Bring Your Own Bottle" Basis

The Board of Selectmen, as the local licensing authority, hereby adopts this policy for approval of "Bring Your Own Bottle" alcohol service by restaurant establishments not holding an alcoholic beverages license under Chapter 138 of the General Laws. For purposes of this policy, an "establishment" shall mean a full-service commercial enterprise holding a common victualler's license for the sale of food to the public. "Full service" shall mean having a full wait staff and sit down and eat-in dining services for the vast majority of patrons.

General Requirements: An establishment requesting approval to serve alcohol under this Bring Your Own Bottle - "BYOB" - policy agrees to abide by all legal standards to ensure safe and proper service to patrons in accordance with all requirements and restrictions of the Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC), and the rules and regulations of the Town of Northbridge. Any BYOB approval shall be evidenced by a permit and shall be subject to the following standard conditions. In addition, the Board of Selectmen may impose such additional conditions as it determines are necessary or appropriate. BYOB approval is at the sole discretion of the Board of Selectmen. There is no entitlement to approval.

The Town of Northbridge requires an annual BYOB permit. The permit is subject to annual renewal every December 31.

- 1: The establishment is responsible for training employees in the correct procedures pertaining to this policy and all restaurant staff must obtain alcohol service training, e.g. TIPS. Copies of certificates must be provided to the Town Manager's Office with permit application and permit renewal.
- 2: Alcoholic beverages which may be brought into the establishment are limited to beer and wine. No BYOB alcohol may be consumed by a patron who has not purchased a food item from the restaurant menu.
- 3: Alcoholic beverages are to be consumed inside the establishment's premises only. The establishment shall provide glasses for consumption.
- 4: No alcoholic beverages are to be consumed by any person under the age of 21, as sale or delivery to such a person is a violation of MA General Laws, Chapter 138, Section 34. It is the responsibility of the establishment to ensure that patrons who consume alcoholic beverages on the premises are at least 21 years of age.
- 5: Alcoholic beverages are not to be consumed on the premises by an intoxicated person.
- 6: The establishment cannot charge the consumer, either directly or indirectly, for consuming alcoholic beverages on the premises, whether by a service fee, glass fee, table fee, corking fee, or otherwise.

- 7: No alcoholic beverages may be served or handled by the employees of the establishment. This includes storing, refrigerating, or pouring alcoholic beverages.
- 8: No alcoholic beverages may be purchased or provided from within the premises. BYOB approval applies only to beverages brought to the premises by patrons.
- 9: Patrons cannot leave the premises with an open container of alcohol except in compliance with the requirements of ABCC regulation 204 C.M.R. 2.18. A patron who wishes to remove their unfinished bottle of wine from the premises must have the establishment ensure that the bottle is securely resealed and placed in a one-time, tamper-proof transparent bag as provided for in 204 C.M.R. 2.18. No partially consumed container of beer may be taken from the premises by a patron. Remaining unused wine and beer not removed by a patron must be disposed of by the establishment in an acceptable manner that meets all applicable laws and regulations. No unused wine or beer may be consumed by any other party, including establishment staff.
- 10: All alcoholic beverages and containers must be removed from the premises by the person who carried them in. Staff under the age of 18 may not clear from the tables any containers from which wine or beer was poured or consumed.
- 11: Any establishment which, in the conduct of its business either directly or through its agent causes or permits any violations of state or local statutes or regulations under this “Bring Your Own Bottle” Policy or permits any other illegalities on its premises shall be subject to a disciplinary hearing by the Board of Selectmen for modification, suspension or revocation of its Common Victualler license.
- 12: The establishment must provide proof of alcohol liability insurance for no less than the amount of \$500,000. Insurance coverage must remain current as a condition of licensure.
- 13: The establishment must post a BYOB sign at the entry area indicating that it is a “Bring Your Own Bottle” establishment and is subject to all applicable Town and State laws and regulations.
- 14: A BYOB permit may not be issued to any establishment that has had a Chapter 138 alcohol license suspended or revoked, or to any person or entity affiliated with such license, either directly or indirectly, through an agent, employee, stockholder, officer, or other person.
- 15: The establishment shall immediately report to the Northbridge Police Department any situation in which patrons consuming alcohol appear to present a danger to themselves or others, either on the premises or elsewhere, by virtue of such consumption.

*Adopted by the Northbridge Board of Selectmen
December 3, 2018*



**TOWN OF NORTHBRIDGE
OFFICE OF THE TOWN CLERK**

7 MAIN STREET
WHITINSVILLE, MASSACHUSETTS, 01588
Phone: 508-234-2001

Linda B. Zywiec, CMC
Town Clerk
lzywiec@northbridgemass.org


Laura Medeiros
Assistant Town Clerk
lmedeiros@northbridgemass.org


B.I.

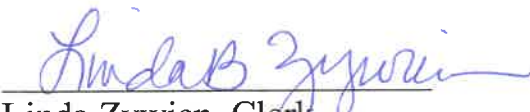
December 4, 2023

We, the Northbridge Board of Registrars, hereby request that the Northbridge Board of Selectmen “opt in” to in-person early voting for the local election to be held on Tuesday, May 21, 2024. We recommend that early voting occur during the Town Clerk’s regular hours of operation beginning Monday, May 13, concluding Friday, May 17.

Respectfully submitted,


Mary Contino, Chairperson


Ann Riley, Vice Chair


Linda Zywiec, Clerk


Janet Burke, Registrar

B. Zard.



**TOWN OF NORTHBRIDGE
OFFICE OF THE TOWN CLERK**

7 MAIN STREET
WHITINSVILLE, MASSACHUSETTS, 01588
Phone: 508-234-2001 • Fax 508-234-7640

Linda B. Zywiec, CMC
Town Clerk

lzywiec@northbridgemass.org

Laura Medeiros
Assistant Town Clerk

lmedeiros@northbridgemass.org

TO: Sharon Susienka, Exec. Assistant to the Town Manager
FROM: Linda Zywiec, Town Clerk
DATE: December 4, 2023
RE: Request to Hang Election Banner

Sharon, I am respectfully requesting the following time slots to hang our election banner across Church Street to announce 2024 elections:

Sunday, February 25 through at least Tuesday, March 5
Sunday, May 12 through at least Tuesday, May 21
Sunday, August 18 through at least Tuesday, September 3 (subject to change)
Sunday, October 27 through at least Tuesday, November 5

Thank you,

Know all Men by These Presents,

C.

That the Town of Northbridge, in the County of Worcester and Commonwealth of Massachusetts, in consideration of Three Thousand Two Hundred Dollars, paid by **Bernice J. Morrissette, of 102 Lovelace Lane, Northbridge, MA 01534**, the receipt of which is hereby acknowledged, does sell and convey to said **Bernice J. Morrissette**, two burial **Lots Numbered 1 and 2, situated on 312 Woodlawn Ave, in the Pine Grove Cemetery**, and the sole and exclusive right of burial of the dead therein, subject to the following rules and restrictions for the regulation and government of said Cemetery; viz:

1st. That the said Lot shall not be used for any other purpose than as a place of burial for the dead, and proper Cemetery uses, such as the Town may approve; and no trees within the Lot or the Cemetery shall be cut down or destroyed without consent of the Town.

2nd. That if any trees or shrubs in said Lot shall become in any way detrimental to the adjacent lots or avenues, or dangerous or inconvenient, the Town shall have the right to enter into said Lot and remove said trees or shrubs, or such parts thereof as are dangerous, detrimental or inconvenient.

3rd. That if any monument or other structure whatever, or any inscription, be placed in the said Lot which shall be determined by the Town to be offensive, the Town shall have the right to enter upon said Lot and remove said offensive or improper object or objects.

4th. If a fence shall at any time be erected or placed in or around said Lot, the materials or design of which shall not be approved by the Town, it must be forthwith removed upon direction of the Town, and if not so removed the Town shall have the right to enter upon said Lot and remove said fence.

5th. The said lot shall be holden subject to all by-laws, rules and regulations made and to be made by the Town.

IN WITNESS WHEREOF, the said Town of Northbridge has caused these presents to be signed and sealed by its Board of Selectmen, this 18th day of December, in the year of our Lord Two Thousand Twenty-Three.

D.

**BOARD OF SELECTMEN'S MEETING
DECEMBER 18, 2023**

TOWN MANAGER EVALUATION – CUMULATIVE SCORE SHEET

1) Budgetary/Financial administration	4.80
2) Personnel Administration	4.40
3) Public Relations	4.40
4) Interaction with the Board	4.80
5) Employee and Labor Relations	4.80
6) Staff Development	4.60
7) Intergovernmental	4.80
8) Goal/Performance Attainment	4.80

**OVERALL PERFORMANCE REVIEW SCORE: 4.67
(ALL CATEGORIES)**

Current Issues Regarding Alcohol Licensing

May 25, 2021

Local Approval of Outdoor Alcohol Service

The Governor and General Court took several actions over the past year related to alcohol licensing aimed at providing relief to restaurants, which were hit hard by COVID-19 capacity restrictions during the pendency of the State of Emergency. These included authority to sell beer, wine and cocktails “to go” with take-out food, capping fees on food delivery services and allowing local licensing authorities (LLA) to approve outdoor seating areas without the usual mandatory inspection and approval of the ABCC. While the first two items are currently under discussion to be continued by the General Court, at present, the outdoor service provision is facing a deadline. The Governor’s COVID Order #50 authorized outdoor service with only local approval until “60 days past the end of the State of Emergency.” With the Governor’s announcement that the State of Emergency will be lifted on June 15, 2021, this means this portion of Order #50 will expire on August 14, 2021 if the Governor or General Court take no further action.

Under such circumstances, these locally approved outdoor service areas would be considered unpermitted and in violation of their alcohol license after August 14, 2021, unless they have also been approved by the ABCC. We recommend that LLAs advise any license holders with outdoor table service areas that were only permitted at the local level that they must file an Alteration of Premises application with the LLA, which, if approved, can be submitted to the ABCC for formal approval in order to remain compliant with statutory requirements. It appears that the usual statutory public hearing requirements would apply. In addition, municipalities should review how their zoning ordinances and bylaws apply to such outdoor areas.

Prohibiting Sale of “Nips”



The other recent alcohol licensing news, not related to the pandemic, concerns attempts to curb or ban package store sales of what are commonly referred to as “nips” – containers of alcohol, usually spirits, of 100 milliliters or less. Complaints about these items include littering and public health concerns. In 2019, the City of Chelsea approved such a ban. When local businesses appealed to the ABCC, the Commission determined that it did not have jurisdiction on the issue. In June 2020, the Falmouth Town Meeting approved a general bylaw prohibiting the sale of “nips,” thus requiring the approval of the Attorney General. On March 22, 2021, the Attorney General’s Municipal Law Unit approved the bylaw, finding it not preempted by or inconsistent with state law. In both Chelsea and Falmouth, the bans were established to take effect several months later to give package stores

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the chance to sell off their existing stock of nips and coordinate future deliveries before the ban starts. It is still possible that a court challenge could be brought against these bans. At present, however, the Attorney General has concluded that such local action is valid.

Please contact your KP Law attorney if you have further questions. In the meantime, from all of the staff and attorneys at KP Law, be safe and take good care.

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