



## Westwood Special Town Meeting Records October 21, 2008

The meeting was called to order at 7:42 pm. By Moderator Anthony J. Antonellis who declared the presence of a quorum. The Return of Warrant was read, after which all stood for the Pledge of Allegiance to the Flag.

### **ARTICLE 1**

The Finance Commission recommended and the Town voted by a Majority vote in favor to authorize the Board of Selectmen to petition the General Court, in compliance with Clause (1), Section 8 of Article LXXXIX of the amendments of the Constitution, for enactment of a special law substantially in the following form of the proposed act printed below as part of the article and entitled:

#### **AN ACT AUTHORIZING THE TOWN OF WESTWOOD TO GRANT THREE LICENSES FOR THE SALE OF WINE AND MALT BEVERAGES AT FOOD STORES:**

**SECTION 1.** Notwithstanding Section 17 of Chapter 138 of the General Laws, the licensing authority of the Town of Westwood may grant to three food stores a license for the sale of wine and malt beverages, not to be drunk on the premises, under Section 15 of said Chapter 138. Except as otherwise provided herein, such licenses shall be subject to all of said Chapter 138 except said Section 17.

For the purposes of this act, a "food store" shall mean a grocery store or supermarket with a floor area of more than 1,000 square feet which sells at retail, food for consumption on or off the gross premises either alone or in combination with grocery items or other non durable items typically found in a grocery store and sold to individuals for personal family or household use; provided, however, that such food store shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and dessert items, notwithstanding the foregoing, a food store shall not be a convenience store, specialty store, or any store that sells gasoline; provided, however, that the Board of Selectmen shall determine whether an applicant is a food store under this Act. In making such determination, the Board of Selectmen shall consider such factors as the volume of sales, actual or proposed, and the extent and range of merchandise offered for sale. The holder of a license under this Act may sell wine and malt beverages alone or in combination with any other items offered for sale and must be located in a commercial zoning district. The amount of any initial or renewal fee for such license shall be determined by the licensing authority issuing or renewing that license.

Notwithstanding any general or special law or any rule or regulation to the contrary, the licensing authority shall not approve the transfer of the license to any other location, but the license may be granted at the same location if an applicant for the license files with the licensing authority a letter or written document from the Department of Revenue indicating that the license is in good standing with the Department of Revenue and that all applicable taxes have been paid.

If the license granted under this section 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 grant the license to a new applicant at the same or other appropriate location and under the same conditions as specified in this section.

SECTION 2. This act shall take effect upon its passage.

**ARTICLE 2**

The Finance Commission recommended and the Town voted by a Majority in favor of Indefinite Postponement of this Article.

To see if the Town will vote to direct the Board of Selectmen to petition the General Court for enactment of special legislation substantially in the following form of the proposed act printed below, or take any other action relative thereto:

AN ACT AUTHORIZING THE TOWN OF WESTWOOD TO GRANT TWO LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES AND WINE AND MALT BEVERAGES TO BE DRUNK OFF THE PREMISES.

SECTION 1. Notwithstanding sections 11 and 17 of chapter 138 of the General Laws, or any other general or special law to the contrary, the licensing authority of the Town of Westwood may grant two licenses under section 15 of chapter 138 for the sale of all alcoholic beverages and for the sale of wine and malt beverages not to be drunk on the premises. The licenses shall be subject to all of said 138, except sections 11 and 17.

Section 2. This act shall take effect upon its passage.

All Business on the Warrant having been acted upon, a motion was made and seconded to adjourn at 8:44 p.m.

Attest,

*Dorothy A. Powers*

Dorothy A. Powers  
Town Clerk