

# OFFICE OF THE TOWN ADMINISTRATOR

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## MEMORANDUM

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**DATE:** November 1, 2018  
**TO:** Town Council  
**FROM:** Jeffrey D. Nutting, Town Administrator  
**RE:** Proposed change to the Liquor License Bylaw

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Please find attached a request to change the current liquor license by law to allow theatres to apply for an annual liquor license for arts or cultural facilities. Currently the Black Box get between 40 and 50 One day liquor license per year. They have been in business for several years without an alcohol related incident.

The proposed by law change would exempt them and other similar facilities from the requirement to serve food. I have discussed the matter with the Police Chief and he is in full support of the proposal. Given our long standing efforts at economic development in the Downtown I believe this makes a great deal of sense.

I am happy to answer any questions that you may have.



Sponsor: Administration

**TOWN OF FRANKLIN  
BYLAW AMENDMENT 18-825  
CHAPTER 47, ALCOHOLIC BEVERAGES**

## **A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 47.**

**BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL** that Chapter 47 of the Code of the Town of Franklin is amended by adding to Section 47-17 as follows:

47-17. Food requirement for restaurant liquor licenses.

Licenses issued under MGL c.138, § 12, for restaurant or innholder licenses, shall be issued only to duly licensed common victualer and innholders who have adequate and sanitary kitchen and dining room equipment and capacity for preparing, cooking, and serving suitable food for strangers, travelers and other patrons, as required by MGL c. 140. It shall be the obligation of all licensees and managers thereof to ensure continuous compliance with this requirement. All such licensees are obligated to provide food for the entire time period during which alcohol or alcoholic beverages may be purchased. The availability of snack food, such as popcorn, beef sticks, pretzels, candy and the like, shall not satisfy this requirement. The requirements contained in this section shall not apply to a theatre, performing arts center or other venue, the primary use of which is an arts or cultural facility.

This bylaw amendment shall become effective according to the provisions of the Franklin Home Rule Charter.

**DATED: December , 2018**

**VOTED:**  
**UNANIMOUS**

## A True Record Attest:

**YES**                      **NO**

**ABSTAIN**

**Teresa M. Burr**  
**Town Clerk**

**ABSENT**

**Glenn Jones, Clerk**  
**Franklin Town Council**



October 31, 2018

Jeffrey D. Nutting  
Town Administrator  
355 East Central Street (Third Floor) Route 140  
Franklin, MA, 02038

Dear Mr. Nutting,

I am writing to request a special liquor license for the Franklin Performing Arts Company at THE BLACK BOX. Now in our fifth season of programming, THE BLACK BOX hosts events every weekend that require us to obtain one-day liquor licenses. These events are theatrical productions and concerts produced by the Franklin Performing Arts Company and the Franklin School for the Performing Arts, as well as community events held at our facility. The need to pull 60 permits annually is an administrative challenge and a financial hardship for our non-profit organization. I believe that our theater venue presents a typical scenario for a liquor license; we are not a cocktail lounge. Understanding that food is one of the licensing considerations, a few of our events do serve food and snacks are always available. During performances our patrons visit the bar before a show begins or during intermission resulting in a bar setting that is not high-volume.

Given the impact THE BLACK BOX is having on the vitality of the downtown, I would appreciate the consideration of the Town of Franklin for a special annual liquor license, specifically for a theater venue, to be granted to the Franklin Performing Arts Company.

Sincerely,

A handwritten signature in black ink, reading 'Raye Lynn Mercer'.

Raye Lynn Mercer  
Executive Director

## One Day Special Alcohol Permits

	<u>2018</u>	<u>2017</u>	<u>2016</u>
Franklin Performing Arts Co	23	0	1
Franklin School for the Performing Arts	18	21	3
The Black Box	4	23	16
Dean College	19	23	10
Franklin VFW	19	30	30