

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



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OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

October 2, 2020

To: Town Council
From: Jamie Hellen, Town Administrator

Re: Resolution 20-58: Home Rule Amendment to Authorize an Additional Beer & Wine Package Store License for MADD Deli, INC, 353 Lincoln Street

The Town of Franklin has currently reached its quota for retail (package store) Beer and Wine alcohol licenses. MADD Deli, INC operating a store located at 353 Lincoln Street has proposed resolution 20-58 which will petition the state legislature to amend the Home Rule and allow for an additional retail beer and wine license in the Town of Franklin.

If you have any additional questions please feel free to ask.



TOWN OF FRANKLIN

RESOLUTION 20-58

**REQUEST FOR SPECIAL LEGISLATION,
RE: AUTHORITY FOR TOWN OF FRANKLIN,
ACTING THROUGH THE FRANKLIN TOWN COUNCIL
TO GRANT WINES AND MALT BEVERAGES NOT
TO BE DRUNK ON THE PREMISES ALCOHOLIC BEVERAGES
LICENSE IN EXCESS OF TOWN'S QUOTA TO
MADD DELI, INC. D/B/A DACEY'S MARKET**

WHEREAS, G.L. Chapter 138, Section 17 sets a quota on the number of alcoholic beverage licenses a municipality is authorized to grant, including licenses pursuant to G.L. Chapter 138, Section 15 for the sale of retail of wines and malt beverages not to be drunk on the premises, and

WHEREAS, Town of Franklin has already granted the maximum number of said type of alcoholic beverage license currently available to the Town under said statutory quota, and

WHEREAS, MADD Deli, Inc. d/b/a Dacey's Market operates a neighborhood market and deli at 353 Lincoln Street, Franklin and is desirous of obtaining a wine and malt beverages Section 15 alcoholic beverages license for its business, and

WHEREAS, the Franklin Town Council, as the local licensing authority for the Town of Franklin is willing to consider granting MADD Deli, Inc. d/b/a Dacey's Market said alcoholic beverages license, if Town receives authority to grant an additional license, and

WHEREAS, the so-called Home Rule Amendment to the Massachusetts Constitution provides a mechanism for a municipality to petition the General Court to enact legislation applicable only to that municipality, including authority to grant an additional alcoholic beverages license.

NOW, THEREFORE, the Town of Franklin, acting by and through its Town Council, hereby petitions the General Court to enact the legislation captioned "Authority for the City known as the Town of Franklin to grant an additional wines and malt beverages not to be drunk on the premises alcoholic beverages license", a copy of which is attached hereto as "Exhibit 1" for Franklin's benefit, in substantially the form attached, and directs the Town Administrator to transmit said legislation to State Representative Jeffrey N. Roy for filing.

This Resolution shall become effective according to the provisions of the Town of Franklin Home Rule Charter.

DATED: _____ , 2020

VOTED: _____

UNANIMOUS: _____

A TRUE RECORD ATTEST:

YES: _____ **NO:** _____

ABSTAIN: _____ **ABSENT:** _____

RECUSED: _____

**Nancy Danello,
Temporary Town Clerk**

**Glenn Jones, Clerk
Franklin Town Council**

EXHIBIT 1

**AUTHORITY FOR THE CITY KNOWN AS THE TOWN OF FRANKLIN
TO GRANT AN ADDITIONAL WINES AND MALT BEVERAGES
NOT TO BE DRUNK ON THE PREMISES ALCOHOLIC BEVERAGES LICENSE**

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 the quotas on the number of alcoholic beverages licenses contained in G.L.Ch. 138, §17, the City known as the Town of Franklin acting through the Franklin Town Council, as the local licensing authority, is hereby authorized to grant an alcoholic beverages license pursuant to G.L. Chapter 138, Section 15 for the sale at retail of wines and malt beverages not to be drunk on the premises to MADD Deli, Inc. d/b/a Dacey's Market located at 353 Lincoln Street, Franklin; the Franklin Town Council shall grant said license only after compliance with the publication, notice and hearing requirements contained in G.L. Chapter 138, Section 15A and its determination that the grant of said license satisfies the public need.
- (b) The licensing authority shall not approve the transfer of the license granted pursuant to this section to any other location but it may grant the 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, and the licensing authority may then grant the license to a new applicant at the same location under the same conditions as specified in this section.
- (d) All licenses granted pursuant to this act 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 pursuant to subsection (b) or (c) thereafter.

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