

HEARINGS, MEETINGS, LICENSES

2-25-13

Jacqueline Shanley

From: Allison Ferreira
Sent: Wednesday, February 20, 2013 11:25 AM
To: Jacqueline Shanley
Subject: FW: Ch.2 of Acts of 2013 (Town Election)

Below is the first piece of correspondence I forwarded to you last week to be included with the correspondence for my presentation to the Board on the 25th re: dual election.

Thanks,
Allison

Allison J. Ferreira
Town Clerk
Town of Middleborough
20 Centre Street
Middleborough, MA 02346
(508) 946-2415 phone
(508) 946-2308 fax
aferreira@middleborough.com

From: Decas, Murray & Decas [<mailto:decasmurraydecas@yahoo.com>]
Sent: Thursday, February 14, 2013 3:45 PM
To: Allison Ferreira
Subject: Ch.2 of Acts of 2013 (Town Election)

February 14, 2013

Allison J. Ferreira, Middleborough Town Clerk (*via email*)

RE: Chapter 2 of the Acts of 2013

Dear Allison:

The Secretary of State's office indicated that recent state legislation (Chapter 2 of the Acts of 2013) allows a municipality to reschedule a local election under certain circumstances. You asked the following related questions:

1. Whether Middleborough may reschedule the 2013 Town election to April 30, 2013?
2. If the Town election is rescheduled and held on April 30, 2013, will the Selectmen whose terms are expiring in 2013 remain in office until their successors are elected and qualified?

My opinion is that the Town by vote of the Board of Selectmen after consultation with the Town Clerk may approve rescheduling of the 2013 Town Election from April 6, 2013 to April 30, 2013, the date of the special state primary. This is so even though the 2013 Town Election is by Town Charter scheduled for the first Saturday in April (April 6, 2013). The special act of the legislature (Chapter 2 of the Acts of 2013) in Section 2 allows rescheduling the date of the Town Election to coincide with the date of the special state primary

“notwithstanding any...special law, town charter...to the contrary” if the Town Election is scheduled within thirty days of the special state primary.

My opinion is that the Selectmen whose terms are due to expire in 2013 will remain in office until their successors are elected and qualified unless they otherwise cease to hold office. Section Two of the Town Charter provides that Selectmen who hold office shall serve until their successors are elected and qualified.

The vote of the Board of Selection to reschedule must occur at least thirty-five days prior to the date of the rescheduled election.

Very truly yours,

Daniel F. Murray
Town Counsel
DFM/s
13-103-1

Jacqueline Shanley

From: Allison Ferreira
Sent: Wednesday, February 20, 2013 11:22 AM
To: Jacqueline Shanley
Subject: FW: Special legislation to change date of 2013 Town Election

Jackie,

Below please find a response from Dan Murray re: dual election. Kindly include with the correspondence for the Selectmen on the 25th.

Thanks,
Allison

Allison J. Ferreira
Town Clerk
Town of Middleborough
20 Centre Street
Middleborough, MA 02346
(508) 946-2415 phone
(508) 946-2308 fax
afferreira@middleborough.com

From: Decas, Murray & Decas [<mailto:decasmurraydecas@yahoo.com>]
Sent: Wednesday, February 20, 2013 9:20 AM
To: Allison Ferreira
Subject: Special legislation to change date of 2013 Town Election

February 19, 2013

Allison Ferreira, Town Clerk (*via email*)

RE: Special legislation to change date of 2013 Town Election

Dear Allison:

You asked whether the Selectmen whose terms expire in 2013 may participate in the Board of Selectmen's consideration of the question whether to accept the referenced legislation to change the Town Election date to coincide with the Special Senate Primary Election date scheduled for April 30, 2013 without violating the Conflict of Interest statute.

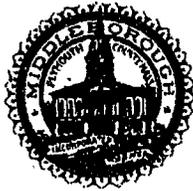
My opinion is that the Selectmen may participate without violating the Conflict of Interest statute.

This opinion is in part based on the understanding that the Selectmen whose terms are expiring in 2013 receive no compensation or other financial benefit from holding office as Selectmen.

Very truly yours,

Daniel F. Murray

Town Counsel
DFM/s
77-303



Town of Middleborough
Massachusetts

BOARD OF SELECTMEN

APPLICATION FOR LICENSE
(PLEASE TYPE OR PRINT CLEARLY)

DATE 2/4/13
NAME OF APPLICANT CHRISTOPHER MASTRANGELLO
ADDRESS OF APPLICANT 261 HEMLOCK SHAVE RD. LAKEVILLE
ASSESSORS MAP & LOT ~~048-395~~
DAYTIME TELEPHONE _____

NAME OF BUSINESS BUDDY'S PIZZAPUB INC.
OWNER OF PROPERTY TO BE LICENSED CLEFMAN REALTY
ADDRESS OF PROPERTY TO BE LICENSED 547 WEST GROVE ST.
ASSESSORS MAP & LOT 048-395

TYPE OF LICENSE REQUESTED (Check One)

- 2nd Hand Furniture _____
- Class I License _____
- Class III License _____
- Common Victualler _____
- Entertainment _____
- 2nd Hand Clothing _____
- Class II License _____
- Liquor License
- Automatic Amusement _____
- Other _____

Anticipated Start Date for Business WHEN REQUEST APPROVED
Hours requested: MON-THUR 11AM-11PM FRI-SAT 11AM-1AM

Has the Applicant previously held a similar license in the Town of Middleborough or elsewhere?
If yes, explain:

HAVE LICENSE. EXTENDING HOURS

Signature *Christopher Mastangelo*

DATE OF HEARING _____ APPROVED/DENIED _____

Do not write below line: To be Completed by Treasurer/Collector: _____

Please inform this department, as well as the Board of Selectmen, as to whether or not the above listed property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? NO
Christopher Mastangelo

February 25, 2013

Board of Selectmen:

There is nothing in the CORI background records for Christopher Mastrangelo to cause concern in approving a Change in Hours for the liquor license at Buddy's Pizza.

Jackie Shanley, Confidential Secretary

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM**

**APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE
LOCAL LICENSING AUTHORITY.**

REVENUE CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA:

NO FEE

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY):

070000039

LICENSEE NAME:

Buddy's Pizza Pub Inc. dba Buddy's Pizza Pub

ADDRESS:

547 West Grove St

CITY/TOWN:

Middleboro

STATE MA

ZIP CODE

02346

TRANSACTION TYPE (Please check all relevant transactions):

- Change of Hours
 Change of DBA
 Charity Wine License

**THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL
FORM ALONG WITH THE CHECK, COMPLETED APPLICATION, AND
SUPPORTING DOCUMENTS TO:**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION
P. O. BOX 3396
BOSTON, MA 02241-3396**

Change of Hours Checklist

This application will be returned if the following documentation is not submitted:

Vote of Corporate Board or LLC

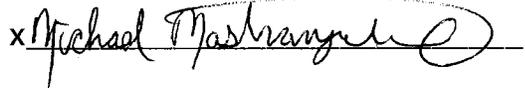
Note: No fee is required for this transaction as formal ABCC approval is not necessary

Buddy's Pizza Pub
547 West Grove St.
Middleboro, MA 02346

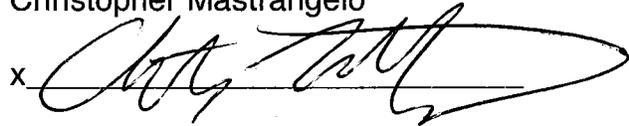
We of the Buddy's Pizza Pub Inc. Board vote yes for extension of hours
monday-thursday 11am-11pm friday and saturday 11am-1am

February 11, 2013

Michael Mastrangelo

x 

Christopher Mastrangelo

x 

Diane Mastrangelo

x 

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070000039

LICENSE ALCOHOLIC BEVERAGES

THE LICENSING BOARD OF

The...TOWN.....of.....MIDDLEBOROUGH.....of.....

MASSACHUSETTS

HEREBY GRANTS A

COMMON VICTUALER

License to Expose, Keep for Sale, and to Sell

All Kinds of Alcoholic Beverages

To Be Drunk On the Premises

To Buddy's Pizza Pub Inc., d.b.a. Buddy's Pizza Pub.....
Christopher Mastrangelo, Manager.....

on the following described premises

547 West Grove Street. 34'x65'. 2100 sq. ft. with no more than 50.....
seats, 2 handicapped restrooms. Entrances in front and rear.....

This license is granted and accepted upon the express condition that the license shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities. This license expires December 31st, 20.13., unless earlier suspended, cancelled or revoked.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this..... 10TH..... day of..... December..... 20.12.

The Hours during which Alcoholic Beverages may be sold are

From.....
11 a.m. until 10 p.m. Monday.....
through Thursday.....
11 a.m. until 12 Midnight.....
Friday and Saturday.....

Christopher Mastrangelo
Steph J. M. [Signature]
LICENSING BOARD

Current Hours

THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ