

**Selectmen's Meeting
Tuesday, January 15, 2002
Ayer Public Library, East Main St., Ayer, MA 01432**

7:00p.m. Open Session

The Board met with Chairman Pena, Selectman Bresnahan, Selectman Witherow, Selectman Sullivan and Selectman Fay.

Chairman Pena opened the meeting by introducing Everett Marder, Town Counsel.

Chairman Pena re-opened the continuation of the Public Hearing of 1-8-02. The Fort Corp. - Transfer of All Alcohol License. Present for the discussion Tracy DeWolf, Virginia McNiff, Stanley McNiff and Attorney Peter Knox representing Tracey DeWolf.

Atty. Everett Marder opened the discussion by reviewing with all present Chapter 138 Section 12 and advising two mandatory elements which must be met by the license applicant those items being:

- 1. Premises -meeting all approvals**
 - 2. Person being of good character re: change of manager/owner**
- Selectman Sullivan advising to 1st item being mute being that the 2002 license renewal for the establishment had been approved by the Board.**

Selectman Fay questioned Town Counsel on Question #13 expressing concern re: list of violations. Town Counsel questioned Ms. DeWolf if she had answered question #13 completely. Ms. DeWolf stated she had left out two (2) assault & battery charges due to charges being dismissed. The Board agreed that both of these cases were never sent before a judge and justified not being listed on the application. The Board reviewed with Ms. DeWolf her knowledge/alcohol training and personal background re: extensive criminal/civil file dating from 1987 through 2001.

Selectman Witherow questioned Ms. DeWolf as to why she felt the Board should approve of the transfer. Ms. DeWolf advised the Board to her making mistakes earlier in her life and learning from those mistakes referenced having financial problems and driving her vehicle after her license had been suspended. Ms. DeWolf stated she had a child and needed to get to work. Mr. McNiff spoke on Ms. DeWolf's character advising the board to her working hard to obtain her real estate license as well as uprooting herself for a couple of months to fly out to the west coast to help her sister when she underwent a liver transplant-this being done with out pay which set her back financially.

Selectman Fay requested whether or not Ms. DeWolf would be willing to stay with the program Atty. Gardner had set up re: monitoring the establishment. Ms. DeWolf stated yes.

Chairman Pena opened the floor to comments. Chief Rizzo stated he had submitted his recommendation earlier to the Selectmen's Office. Ms. Hegarty presented the Chief's memo to the Board. The Board took this opportunity to read the Chief's recommendation. (see attached) Mary Spinner stated she felt Ms. DeWolf had turned her life around and deserves a second chance. Selectman Bresnahan stated she admitted to making mistakes and has learned from this and she deserves a chance to succeed.

Selectman Witherow moved the Board approve the All Alcohol License Transfer from Virginia McNiff to UMAG Corp. d/b/a The Brew Locker- Tracy DeWolf-Manager, 2nd by Selectman Sullivan, VOTE: Selectman Bresnahan aye, Selectman Fay aye, Selectman Witherow aye, Selectman Sullivan aye, Chairman Pena no - 4 to 1 motion passes.

7:35p.m. Chairman Pena called for a five-minute recess.

7:40p.m. The Board re-convened Open Session

BOSMIN 1-15-02/PG.2

Selectman Fay moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39, Section 23b Exemption #3 to adjourn from this Executive Session to re-enter into Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman Witherow, VOTE: Selectman Fay aye, Selectman Witherow aye, Selectman Bresnahan aye, Selectman Sullivan aye, Chairman Pena aye, unanimous, so moved.

7:40p.m. Open Session adjourned.


James M. Fay, Clerk
Ayer Board of Selectmen

DATE: _____

2/5/02