

**To: Honorable Maura Healey
Attorney General Commonwealth of Massachusetts**

**From: Eddie L. Johnson, President
"CLEAN"- Citizens Leading Environmental Action Network**
<https://m.facebook.com/pages/Citizens-Leading-Environmental-Action/806234092780334>

<http://www.southcoasttoday.com/article/20101007/News/10070329>

Eddie Johnson is a community activist and one of the creators of Citizens Leading Environmental Action Network, a watchdog group that monitors chemical contamination in the New Bedford area. He has been president of CLEAN for the past several years. He became involved in the New Bedford community when he moved to the city in 1975...

Subject: CLEAN, Parents, Students, & Citizens-At-Large To File Future Complaint With Attorney General Maura Healey In Total Opposition To The New Bedford School Committee Vote to allow the Bay Soxs ball club to sell beer & wine on public owned school grounds/property At Paul Walsh's athletic field.

Attorney General of The Commonwealth of Massachusetts Honorable Maura Healey,

As the Environmental organization that have consistently fought for the cleanup of dangerous and very unhealthy contamination at the toxic contaminated 144 acres toxic contaminated Parker St. dump site over the last ten (10) plus years, which also includes New Bedford high school, Keith Middle school and the Paul Walsh athletic field, presently owned, operated and maintained by the New Bedford public school department, we send this notice to you as the "CLEAN" organization, many parents and many citizens-at-large are in complete and total opposition to any alcoholic beverages of any type or kind being sold on school property and we further oppose public school land being deeded over to the New Bedford city council to complete any deal or agreement for alcoholic beverages to be sold, consumed or be allowed on this present public school o property.

Although this matter have not reached the New Bedford city council, for debate, discussion or a vote, Citizens Leading Environmental Action Network as a very active community based organization wanted it to be publically known in spite of the 4 to 3 vote by the elected school committee on 4/11/16, and the approval and endorsements by local media outlets including South Coast Today and or WBSM radio personalities, that any attempt for alcohol beverages of any kind to be approved by the New Bedford City Council, or permits/licenses to be granted by the city of New Bedford's licensing board under the direct control of present Mayor and Chairman of the New Bedford School Committee, Jon Mitchell, any alcoholic beverages licenses sold for operations of the Bay Sox team owners at Paul Walsh athletic field will be met with stiff opposition.

After careful research, and "CLEAN" stands to be corrected, we cannot find anywhere in the Commonwealth of Massachusetts where schools or colleges where

alcohol beverages are sold at athletic events, further tobacco and cigarettes are not allowed to be smoked on any public school grounds or at public facilities.

If the Bay Sox baseball team which many of their players are under 21 years of age have the sole right to sell alcoholic beverages, should not the American Legion be allowed to also sell alcoholic beverages at their baseball games sporting events at Walsh field?

The question now becomes should other youth and adult sports teams be allowed to do the same as the Bay Soxs?

As a clear example long time manager/coach for the American Legion, Mannie Lima, who have been directly involved in New Bedford's youth baseball for over 50 plus years, and uses Walsh field, should a ordinance, rules & regulations be approved/adopted by City Council, signed by Mayor Mitchell, approved by the city's licensing board and become available for alcohol beverage license and sales at Walsh field on school/city owned property?

I am certain that these youth organizations could use the revenue for their team expenses also.

What about the New Bedford Clippers semi-pro football team who also uses Walsh field owned by the New Bedford school department? Should the Clippers now go before the New Bedford City Council & the New Bedford licensing board seeking permission and a beer and wine license for sale of alcoholic beverages at their game?

After all what is fair for the goose, is also fair for the gander.

Should not the American legion, the Clippers, or any youth sports organization also be allowed to use this public school venue to raise money for their sports organization as well?

We of "CLEAN" (Citizens Leading Environmental Action Network), think not.

Attorney General Healey as this issue move forward through the political process, including the New Bedford City Council "CLEAN" will keep your downtown New Bedford office and you personally updated.

Any and all resources including private resources that can be used in fighting this very toxic public issue will be used.

"CLEAN", also considers alcohol a toxic pollution/contaminant that children should not be exposed too, and especially on public school grounds.

Thanking you in advance for any consideration given for your and your staffs review.

Eddie L. Johnson, President

"CLEAN"- Citizens Leading Environmental Action Network

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<http://www.southcoasttoday.com/opinion/20160415/our-view-council-can-protect-students-boost-ball-team-with-land-transfer>

Our View: Council can protect students, boost ball team with land transfer

Posted Apr. 15, 2016 at 2:01 AM

Updated at 7:42 AM

Serving beer at Bay Sox games this summer seems like a no-brainer, if the goal is to support the local New England Collegiate Baseball League. Good oversight and preparation should minimize the impacts typically associated with public consumption of alcohol.

The New Bedford School Committee voted this week 4-3 to transfer about 3,000 square feet of school property on Paul Walsh Field to the city. State law prohibits the sale of alcohol on school grounds, so a transfer is necessary to sell to fans at Bay Sox home games.

Concerns about serving beer and wine on property associated with school grounds are not unreasonable, but that same good oversight mentioned above should allay those concerns.

From a commercial perspective, offering fans a more varied experience strengthens the team's connection to its New Bedford home field near New Bedford High School and Keith Middle School.

From a public policy view, concerns about a slippery slope are also worth considering, but we trust the City Council, which would have to vote to accept the property from the school department, to be creative in its approach. Plans to revert the land if the field is no longer needed by professional teams might be considered. Also, an examination of all school property in the city might suggest ordinances or other rules to restrict or prevent slippery-slope proposals in the future. Drinkers have a duty to drink responsibly, and there are tools and laws to support that mandate. We have confidence that the City Council, when it takes up this question, can tackle this interesting mix of school, city, public, and private interests with creativity and care to the benefit of all.

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<http://www.southcoasttoday.com/article/20160412/NEWS/160419803>

New Bedford Bay Sox hopes to sell beer, wine during games ...

www.southcoasttoday.com/article/20160412/NEWS/160419803

Apr 12, 2016 · New Bedford **Bay Sox hopes to sell beer, wine during games**

Please Note Walsh Field Is Owned By The New Bedford School Department.~ Where this beer & wine is proposed to be sold is on New Bedford School District owned land/grounds That is also used by New Bedford high school baseball team. if you "CANNOT" smoke on school ground or public land, why are exceptions being allowed for alcoholic beverages?

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Here is the law for alcohol from Mass General Laws Chapter 113-_____AN ACT PROVIDING FOR THE LICENSING OF PUB BREWERIES.
<https://malegislature.gov/Laws/SessionLaws/Acts/1998/Chapter113>

SECTION 5. Section 19A of said chapter 138.

Section 19D. (a) The commission shall issue a pub brewery license to an applicant who is a citizen or permanent legal resident of the commonwealth and to applying partnerships and to applying corporations organized under the laws of the commonwealth or organized under the laws of any other state and admitted to do business in the commonwealth and to applying limited liability companies or limited liability partnerships organized under the laws of the commonwealth unless:

(1) such person does not comply with application procedures required by the commission;

(2) the commission determines that such applicant is not of responsible character;

(3) a church or school located within 500 feet of the brewery premises has objected to the issuance of such license in accordance with the provisions of section 16C and the commission finds that the pub brewery premises are detrimental to the spiritual activities of such church;

(4) the commission determines that the applicant retains or owns an interest, directly or indirectly, in the business of a licensee under section 15 or a business which would be licensed under said section 15 if it were located within the commonwealth;

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Dear Friends
April 2016

I finally broke down and booked a fundraiser for my campaign expenses. I hope I can count on your support April 27th 2016 from 6pm to 8pm at the Century House in Acushnet, MA.

I had been reluctant since I wasn't sure if I was going to continue as your representative in New Bedford Government since I found myself in that little ethical donut hole. But the people of Ward 3 encouraged me to run, my wife and children agreed, mostly because they love me and know how much public service means to me. Plus, I wasn't ready to throw in the towel. I am still trying to advocate for a legislative fix to my problem. I truly appreciate the support from our local state delegation.

But, campaigning and being in office carries a fairly sizable financial burden. In addition to maintaining a website, and a strong social media presence the community relies on us for donations to support meaningful organizations and programming. I use my cell phone to conduct constituent services, return and receive phone calls from people regarding city issues and affairs. Then there is all the postage for the cards and letters I send.

I need campaign funding to make sure I can continue to help these worthy charitable causes by buying advertising in all kinds of programs and different organizations fundraising ad booklets. So please, help me keep our campaign to serve alive. With your help I promise I will continue to provide the people of New Bedford the hard working representation they deserve. Call, email or facebook me for tickets.

Your Truly In service,

Henry Bousquet CEC

SECTION 6. Said chapter 138 is hereby further amended by inserting after section 19C the following section:-

Section 19D. (a) The commission shall issue a pub brewery license to an applicant who is a citizen or permanent legal resident of the commonwealth and to applying partnerships and to applying corporations organized under the laws of the commonwealth or organized under the laws of any other state and admitted to do business in the commonwealth and to applying limited liability companies or limited liability partnerships organized under the laws of the commonwealth unless:

- (1) such person does not comply with application procedures required by the commission;
 - (2) the commission determines that such applicant is not of responsible character;
 - (3) a church or school located within 500 feet of the brewery premises has objected to the issuance of such license in accordance with the provisions of section 16C and the commission finds that the pub brewery premises are detrimental to the spiritual activities of such church;
 - (4) the commission determines that the applicant retains or owns an interest, directly or indirectly, in the business of a licensee under section 15 or a business which would be licensed under said section 15 if it were located within the commonwealth;
 - (5) the commission determines that the applicant retains or owns an interest, directly or indirectly, in a business license under section 18 or a business which would be licensed under said section 18 if it were located within the commonwealth;
 - (6) the commission determines that the applicant retains or owns an interest, directly or indirectly, in any activity or in any business directly or indirectly engaged in the business of manufacturing any alcoholic beverages either within or outside of the commonwealth, except any interest, directly or indirectly, in a pub brewery license under this section or any business which would be licensed as a pub brewery under this section if it were located within the commonwealth;
 - (7) the commission determines that the applicant retains or owns an interest, directly or indirectly, in the business of a holder of a certificate issued under section 18B;
 - (8) the applicant has not furnished the requisite license fee or bond; or
 - (9) the commission determines that the co-partners, corporate officials or stockholders of the applicant do not meet the requirements of clauses (2), (4), (5), (6), (7) and (8), or that the manager or agent intended to conduct the pub brewery business on the applicant's behalf does not meet such requirements, or that such co-partners, officials, stockholders, agents or managers remain undisclosed.
- (b) The commission may, on its own motion, and shall, upon the written request of an applicant who has been refused a pub brewery license or has been refused transfer or renewal of such a license, hold an adjudicatory hearing, notice of which shall be mailed to the applicant at the address provided in his application. Such hearing shall be conducted before the commission or a member thereof. The commission shall present its reasons for refusing to issue, transfer or renew such license. The applicant may appear in person or by counsel, cross-examine witnesses for the commission and present evidence. Such hearing shall be stenographically or sound recorded. The commission shall decide within 30 days of the completion of the hearing whether to issue the pub brewery license or grant the transfer or renewal. If the commission refuses to grant the license, transfer or renewal following the hearing, notice thereof in writing shall be mailed to the applicant. In all such cases, the commission shall keep on file a statement in the form of an opinion of its reasons for such refusal and shall furnish a copy thereof to the applicant.
- (c) An applicant who has appeared before the commission at any such hearing and who has been refused a pub brewery license or the transfer or renewal thereof may appeal such refusal to the superior court of the county wherein the applicant resides or has his principal place of business within the commonwealth or to the superior court for Suffolk county.

(d) Every applicant for an original pub brewery license or for a transfer thereof shall, within seven days after filing an application with the commission, send written notice of his application by registered mail, return receipt requested, to:

(1) each school which offers instruction and training to children of compulsory school age in accordance with sections 1 and 4 of chapter 71 and which is located within a radius of 500 feet from the premises on which the pub brewery is to be operated; and

(2) each church, as defined in section 16C, which is located within a radius of 500 feet of such premises.

The notice hereunder shall state that the church or school has the right to object under said section 16C to the issuance or transfer of the pub brewery license. If the authorities in charge of any such school or church complain to the commission in writing that a pub brewery license has been issued or transferred without the mailing of the requisite notice and that they object to such an issuance or transfer, the commission shall hold a hearing to determine whether the notice was mailed. If, after a hearing, the commission determines that adequate notice was not mailed as required, the commission shall cancel the pub brewery license unless:

(1) such school or church had actual notice of the application and of the right to object under said section 16C prior to the issuance or transfer; or

(2) such school or church did not complain as soon as possible after actual notification of the application and of the right to object. Any pub brewer aggrieved by the cancellation of his license by said commission or any school or church aggrieved by the refusal of the commission to cancel such license may appeal such decision as provided herein.

(e) A pub brewer may operate a pub brewery under such conditions as the commission may prescribe by regulation.

(f) A pub brewer may import into the commonwealth malt, cereal grains, fermentable sugars and hops but may not so import malt beverages or alcohol.

(g) A pub brewer may sell malt beverages or malt beverage products produced by the pub brewery or produced for the pub brewery and sold under the pub brewery name:

(1) at wholesale to any person holding a valid wholesalers' and importers' license under section 18;

(2) at wholesale to churches and religious societies, educational institutions, incorporated hospitals, homes for the aged, manufactures of food products and manufacturers of drugs and chemicals as authorized by and subject to the provisions of section 28;

(3) at wholesale to any person in any state or territory in which the importation and sale of malt beverages is not prohibited by law; and

(4) at wholesale to any person in a foreign country.

(h) A pub brewer may be licensed as a keeper of a pub brewery by the local licensing authorities subject to the prior approval of the commission to sell all alcoholic beverages or only wines and malt beverages, as the case may be, for consumption on the pub brewery premises in accordance with the pertinent provisions of section 12 and such rules and regulations as the commission may prescribe. A pub brewer licensed under section 12 may not sell at retail to consumers for off premises consumption malt beverages or malt beverage products not produced by the pub brewery on the pub brewery premises or produced for the pub brewery and sold under the pub brewery brand name. All retail sales shall be made on the pub brewery premises. A pub brewer may sell at retail by the bottle, not to exceed two gallons, to consumers for consumption off the pub brewery premises, malt beverages or malt beverage products produced by the pub brewery and sold under the pub brewery brand name in accordance with such rules and regulations as the commission may prescribe.

(i) All malt beverages produced by the pub brewery or produced for the pub brewery and sold under the pub brewery brand name and sold by a licensee hereunder shall be sold and delivered in such manner and under such conditions and with such labels or other marks to identify the producer as the commission may prescribe.

(j) In no event shall less than 50 per cent of the malt beverages or malt beverage products sold under paragraphs (g) and (h) be produced on the pub brewery premises in any one calendar year.

(k) Every pub brewer licensed under this section shall keep such records as the commission may prescribe and shall file with the commission whenever and as often as it may require duplicate copies of such records. The commission shall at all times, through its designated officers or agents, have access to all books, records or other documents of every licensed pub brewer relating to the licensee's pub brewery business.

(l) The annual license fee for each pub brewer in respect of each pub brewery shall be computed based on the malt beverage barrelage produced by the pub brewery as follows:

5,000 barrels or less per year:	\$1,000 per year
More than 5,000 but less than 60,000 barrels per year:	\$2,000 per year
60,000 barrels or more per year:	\$3,000 per year

For the above stated purposes, a barrel shall be 31 gallons.

(m) Every applicant for a pub brewery license shall, at the time of filing of an application, pay the minimum license fee. Persons holding pub brewery licenses shall report to the commission annually at the end of each year covered by the license the amount of malt beverages produced during such year together with copies of all excise filings due and payments made pursuant to the provisions of section 21. If the fee paid is less than the fee due for the total amount of such malt beverages produced, the licensee shall pay forthwith the amount of the excess fee under this section.

SECTION 7. Section 21 of said chapter 138, as appearing in the 1996 Official Edition, is hereby amended by striking out, in line 3, the word "nineteen C" and inserting in place thereof the following words:- 19C and every pub brewer under section 19D.

SECTION 8. Section 28 of said chapter 138, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words "eighteen, nineteen, nineteen B or nineteen C" and inserting in place thereof the following:- 18, 19, 19B, 19C or 19D.

SECTION 9. Said chapter 138 is hereby further amended by striking out section 34, as so appearing, and inserting in place thereof the following section:-

Section 34. No person shall receive a license or permit under this chapter who is under 21 years of age. Whoever makes a sale or delivery of any alcoholic beverage or alcohol to any person under 21 years of age, either for his own use or for the use of his parent or any other person, or whoever, being a patron of an establishment licensed under section 12 or 15, delivers or procures to be delivered in any public room or area of such establishment if licensed under section 12, 15, 19B, 19C or 19D or in any area of such establishment if licensed under said section 15, 19B, 19C or 19D any such beverages or alcohol to or for use by a person who he knows or has reason to believe is under 21 years of age or whoever procures any such beverage or alcohol for a person under 21 years of age in any establishment licensed under section 12 or procures any such beverage or alcohol for a person under 21 years of age who is not his child, ward or spouse in any establishment licensed under said section 15, 19B, 19C or 19D shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than six months or both. Nothing in this section shall be construed to prohibit any person licensed under this chapter from employing any person 18 years of age or older for the direct handling or selling of alcoholic beverages or alcohol.

Notwithstanding the provisions of clause (14) of section 62 of chapter 149, a licensee under this chapter may employ a person under the age of 18 who does not directly handle, sell, mix or serve alcohol or alcoholic beverages.

SECTION 10. Section 70 of said chapter 138, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words "eighteen, nineteen, nineteen B, nineteen C or seventy-six" and inserting in place thereof the following:- 18, 19, 19B, 19C, 19D or 76.

Approved May 7, 1998.

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