



## STAFF REPORT

AGENDA ITEM #: 17-95  
COUNCIL MTG OF: July 18, 2017  
FROM: David Caron, Town Administrator  
OFFERED BY: Edward B. Garone, Chief of Police  
PREPARED BY: Captain George R. Feole  
SUBJECT: Authorization to provide samples of cider and mead at the Derry Homegrown Farm & Artisan Market

**PURPOSE:** Grant authorization to Moonlight Meadery to supply free samples of ciders and meads at the Derry Homegrown Farm & Artisan Market, pursuant to the authority provided in RSA 179:44.

**TOWN ADMINISTRATOR COMMENTS:** The Town Council is encouraged to support this request by affirmatively acting upon Resolution #2017-049.

**BACKGROUND:** The Police Department recently received a request from Michael Fairbrother, Managing Member of Moonlight Meadery LLC, to provide free samples of ciders and meads at the Derry Homegrown Farm & Artisan Market. Mr. Fairbrother is seeking authority from the Town in accordance with the mandates of NH RSA 179:44, which requires that such activity be authorized by the town or city's governing body and that the authorization must be in writing. (See regulatory statute attached.)

**DISCUSSION:** In accordance with the Town Charter and State law, the Town Council is the governing body of the town and has the sole authority to grant the requested authority to provide cider and mead samples under that statute. The authority requested is narrow as to the location and time of operation of the Market. Specifically, on Wednesdays between the hours of 3:00PM and 7:00PM beginning June 7<sup>th</sup> and ending on September 20<sup>th</sup>.

**FISCAL IMPACT:** Granting the requested authority will not have an impact on the town budget. However it does facilitate the town's goal of enhancing economic development by providing a business opportunity to the requesting party.

**RECOMMENDED ACTION BY COUNCIL:** Recommend that the Town Council grant written authority to Moonlight Meadery LLC to provide samples of ciders and meads in accordance with the request and applicable state statutes regulating alcoholic beverages.

**RECOMMENDED MOTION:** Please see Resolution #2017-049

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## RESOLUTION

Number 2017-049

To Authorize Moonlight Meadery to serve samples at the Derry Homegrown  
Farm and Artisans Market.

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town and, as such, it is empowered to authorize the provisions of RSA 179:44; and

WHEREAS, RSA 179:44 II-a authorizes wine manufacturers, beverage manufacturers, nano breweries and brew pubs to provide samples for tasting at a farmers' market, contingent upon written authorization by the Governing Body;

WHEREAS, the community is attempting to grow the Derry Homegrown Farm and Artisans Market to better serve the community, and authorizing such activities will assist with that goal;

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL that Moonlight Meadery is hereby authorized to provide tasting samples in accordance with state statues during all Derry Homegrown Farm and Artisan Market events for the 2017 season.

This Resolution shall take effect immediately upon its passage.

Adopted: July 18, 2017

Attest:

X \_\_\_\_\_

Joshua Bourdon, Council Chair

Date: \_\_\_\_\_

X \_\_\_\_\_

Daniel Healey, Town Clerk

Date: \_\_\_\_\_