

FRANKLIN TOWN COUNCIL October 2, 2013 7:00 PM

A. APPROVAL OF MINUTES

- **B. ANNOUNCEMENTS** *This meeting is being recorded by Franklin TV and shown on Comcast channel 11 and Verizon channel 29. This meeting may be recorded by Franklin Matters.*
- C. PROCLAMATIONS/RECOGNITIONS Saville M. Bennett
 - Savine M. Bennei
 FISH of Franklin

- **D. CITIZEN COMMENTS**
- **E. APPOINTMENTS**
- F. HEARINGS
- G. LICENSE TRANSACTIONS Franklin Lodge #2136 Bene. & Prot. Order of Elks, Inc.
- H. PRESENTATIONS/DISCUSSIONS
- I. SUBCOMMITTEE REPORTS
- J. LEGISLATION FOR ACTION 1.
- K. TOWN ADMINISTRATOR'S REPORT
- L. OLD BUSINESS
- **M. NEW BUSINESS**
- N. COUNCIL COMMENTS
- **O. EXECUTIVE SESSION** *Negotiations, Litigation, Real Property, as May Be Required* **P. ADJOURN**

2
10 20 00

The Commonwealth of Massachusetts Alcoholic Beverages Control Commission

ALL WALL	June 18	FORM - 43	3
043000016		Franklin	October 2, 2013
License Number		City/Town	Date
 () New License () Transfer of Lic (X) Change of Max () Transfer of Store 	cense () Change nager () Alter Pr	ficer/Director of Location emises	s) () Pledge of License () Pledge of Stock () Other (Specify) 04-2268183
Name of Licensee	3		FID of Licensee
-			Mark Ellis
DBA 1077 Pond Street			Manager 02038
Address: Number	Street		Zip Code
	Type of License (Check only o Restaurant Package Store	ne)	Annual
	Hotel		Annual or Seasonal
	X Club Tavern	_	All Alcohol
-	Veteran Club General on Premise		Category: All Alcohol, Wine & Malt, Wine only, Malt only
Application was fi	led on:		Advertised:
Abutters Notified	Yes X]	te & Time NO	Date & Public
one small meeting ha	all, one members lounge,	game room, full kitch	g on one floor consisting of one large meeting hall, hen, offices and rest rooms. There is an entrance g. Six emergency exits total. One north side, three
outh side and two re	ar.		
	A. Walker nd Street, Franklin, MA	2038	
Remarks:			
The Local Licensin By: Judith Pond Pfet Clerk, Franklin T	ffer	_	Alcoholic Beverages Control Commission



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

•

PETITION FOR CHANGE OF LICENSE

043000016			Franklin
ABCC License Number			City/Town
The licensee Franklin Lodge #2136 following transactions: Change of Manager Pledge of License/Stock Change of Corporate Name/DB Change of License Type (§12 Of	Alter Cordi	ation of Premises al & Liqueurs ge of Location	e Licensing Authorities to approve the
⊠ Change of Manager	Last-Approved Manager:	Michael Ficco	
	Requested New Manager:	Mark Ellis	
Pledge of License /Stock	Loan Principal Amount: \$		Interest Rate:
	Payment Term:	Lender:	
Change of Corporate Name/DB	A Last-Approved Corporate	Name/DBA:	
	Requested New Corporate	Name/DBA:	
Change of License Type	Last-Approved License Typ	e:	
	Requested New License Ty	pe:	
Alteration of Premises: (must fill	out attached financial informa	tion form)	
Description of Alteration:			
 Change of Location: (must fill ou	t attached financial informatio	n form)	
	Last-Approved Location:		
	Requested New Location:		
Signature of Licensee	pration/LLC, by its authorized representative)	Date Signed	9-25-13

	Commonwealth of Massachusetts Alcoholic Beverages Control Commission 239 Causeway Street, First Floor Boston, MA 02114
PETI	TION FOR TRANSFER OF OWNERSHIP, TRANSFER OF STOCK, NEW OFFICER(S), DIRECTOR(S), STOCKHOLDER(S) AND LLC MANAGER(S)
043000016	Franklin
ABCC License Number The licensee A. $\int \int (A A)$	City/Town City/Town
respectfully petition the Licens	ing Authorities to approve the following transfer of ownership. Any Corporation, LLC or Association, oprietor Listed in box (A.) must submit a <u>certificate of good standing</u> from the Massachusetts Department

Is the PRESENT licensee a Corporation/LLC listed in box (A.), duly registered under the laws of the Commonwealth of Massachusetts?

Name	Title	Address	Stock or % Owned
Mike mile	President	155 Pleasant St. Franklin	
Flo Robinson	Treasurer	193 Lincoln St Franklin	-
Michele Walker	Clerk.	5 Bainbudge Rd Belingham	~
			15

Is the PROPOSED transferee a Corporation/LLC listed in box (B.), duly registered under the laws of the Commonwealth of Massachusetts?

🗌 Yes 🗌 No

of Revenue (DOR).

TO: (Place an * before the name of each DIRECTOR/LLC Manager.)

Name	Title	Address	Stock or % Owned
*Mark Ellis	Chairman of Bra	rd 23 Sunset At, Francin	(
* Paul (illoy	director	3 Lizotte Dr. Bellingham	_
Frank Greco	derector	184 Congress & milford	<u> </u>
* Paul Fisiro	director	16 Highland St. Franclin	(
Lames Austro	director	2 Dartmosth Pd, Fraulain	1
The above named proposed tra	ansferee hereby joins in this	petition for transfer of said license.	
SIGNATURE OF LAST-APPRO			
SIGNATURE OF PROPOSED TI		ration/LLC, by its authorized representative) Date Signer	d 9-19-13



A Fraternal Organization FRANKLIN LODGE NO. 2136 BENEVOLENT AND PROTECTIVE ORDER OF ELKS

September 10, 2013

Town of Franklin

RE: Change of Manager on Liquor License

To Whom It May Concern:

At our meeting on September 9, 2013, the Board of Trustees voted, 5-0, to have Mark Ellis serve as the manager on this permit. He also serves as our Board of Trustees Chairman. Our former General Manager, Michael Ficco, has resigned.

This will go into effect immediately. Please feel free to contact me with any further questions! Thank you for your attention in this matter!

Sincerely,

Michele Walker

Corporate Seal

Secretary

Franklin Lodge of Elks #2136



A Fraternal Organization FRANKLIN LODGE NO. 2136 BENEVOLENT AND PROTECTIVE ORDER OF ELKS

September 10, 2013

Town of Franklin

RE: Change of Manager on Liquor License

To Whom It May Concern:

At our meeting on April 8, 2013, the members of our organization voted on and approved our Officers, as such:

President – Mike Mele	Treasurer – Flo Robinson
Clerk/Secretary – Michele Walker	Chairman of the Board – Mark Ellis
Director – Frank Greco	Director – Paul Killoy
Director – Paul Fiorio	Director – James Austin

This will go into effect on April 1, 2013. Please feel free to contact me with any further questions! Thank you for your attention in this matter!

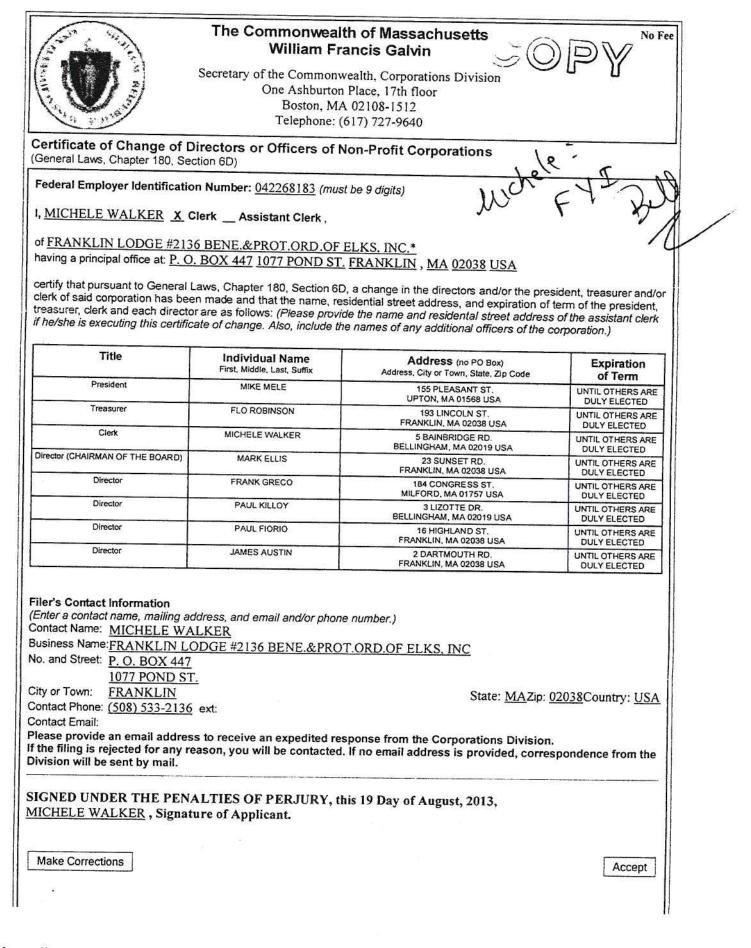
Sincerely,

Michele Walker

Secretary

Corporate Seal

Franklin Lodge of Elks #2136



https://corp.sec.state.ma.us/corp/FilingForms/0300018.asp?stage=Confirm

APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

100

City/Town Franklin
1. LICENSEE INFORMATION:
A. Legal Name/Entity of Applicant:(Corporation, LLC or Individual) Franklin Lodge#2136 Bene.& Prot. Ord. of Elks, Inc.
B. Business Name (if different): C. Manager of Record: Mark Ellis
D. ABCC License Number (for existing licenses only): 043000016
E.Address of Licensed Premises: 1077 Pond Street City/Town: Franklin State: MA zip: 02038
F. Business Phone: 508-533-2136 G. Cell Phone:
H. Email: franklinelks2136@gmail.com I. Website: franklinelks.org
J.Mailing address (If different from E.): P.O. Box 447 City/Town: Franklin State: MA Zip: 02038
2. TRANSACTION:
New License X New Officer/Director Transfer of Stock Issuance of Stock Pledge of Stock Transfer of License New Stockholder Management/Operating Agreement Pledge of License
The following transactions must be processed as new licenses:
Seasonal to Annual (6) Day to (7)-Day License Wine & Malt to All Alcohol
IMPORTANT ATTACHMENTS (1): The applicant must attach a vote of the entity authorizing all requested transactions, including the appointment of a Manager of Record or principal representative.
3. TYPE OF LICENSE:
☐ §12 Restaurant ☐ §12 Hotel 🔀 §12 Club ☐ §12 Veterans Club
🗌 §12 General On-Premises 🔲 §12 Tavern (No Sundays) 🗌 §15 Package Store
4. LICENSE CATEGORY:
All Alcoholic Beverages Wine & Malt Beverages Only Wine or Malt Only
Uvine & Malt Beverages with Cordials/Liqueurs Permit
5. LICENSE CLASS:
Annual 🗌 Seasonal

6. CONTACT PERSON	CONCERNING THIS APPLICATION (ATTORNEY IF APPLICABLE)
NAME:	Mark Ellis
ADDRESS:	23 Sunset Street
CITY/TOWN:	Franklin STATE: MA ZIP CODE: 02038
CONTACT PHONE NU	MBER: 508-733-3492 FAX NUMBER: 508-533-2111
EMAIL:	
7. DESCRIPTION OF PI Please provide a complete	REMISES: description of the premises to be licensed. Please note that this must be identical to the description on the Form 43.
No Change	
Concrete Block and metal kitchen, offices and rest re	building on first floor consisting of one large meeting hall, one small meeting hall, one members lounge, game room. full poms. An entrance and exit on Pond Street. Entrance and exit on south side of building. Six (6) emergency exits.
Total Square Footage:	Number of Entrances: Number of Exits:
Occupancy Number:	Seating Capacity:
8. OCCUPANCY OF PR	EMISES:
	pplicant have possession and/or legal occupancy of the premises? Own
IMPORTANT ATTACHMENTS (legal right to occupy the premi	3): The applicant must submit a copy of the final lease or documents evidencing a ses. Other:
Landlord is a(n): Ple	ase Select Other:
Name:	Phone:
Address:	City/Town: State: Zip:
Initial Lease Term: Beg	inning Date Ending Date
Renewal Term:	Options/Extensions at: Years Each
Rent:	Per Year Rent: Per Month
	e or other arrangement require payments to the Landlord based on a percentage of the alcohol sales?
Yes 🗌 No 🔀 IMPORTANT ATTACHMENT	S(4):
1. If yes, the Landlord is dee	med a person or entity with a financial or beneficial interest in this license. Each individual with an ownership interest disclosed in §10 and must submit a completed <u>Personal Information Form</u> attached to this application.
2. Entity formation docume	nts for the Landlord entity must accompany the application to confirm the individuals disclosed. plicant corporation or LLC have created a separate corporation or LLC to hold the real estate, the applicant must still
provide a lease between the	
54 	

LICENSE STRUCTUR			
e Applicant is a(n):	Please select	Other :	
ne applicant is a Corpo te of Incorporation/O	pration or LLC, complete the follow	ving: Date of Incorporation/	Organization: 4/28/19-
ne Corporation public	ly traded? Yes 🗌 No 🔀		
		ers directors officers and LLC members ar	nd managers) and any person or entity y
ct or indirect, beneficial ORTANT ATTACHMENT Il individuals or entities	n the entity (e.g. corporate stockholde or financial interest in this license (e.g S (5): listed below are required to complete	ers, directors, officers and LLC members ar g. landlord with a percentage rent based o a <u>Personal Information Form.</u> mership in this license must complete a <u>CC</u> Specific # of Stock or % Owned	n alcohol sales).
all individuals involved i ct or indirect, beneficial ORTANT ATTACHMENT Il individuals or entities Il shareholders, LLC mer Name	n the entity (e.g. corporate stockholde or financial interest in this license (e.g S (5): listed below are required to complete nbers or other individuals with any ow All Titles and Positions	g. landlord with a percentage rent based o a <u>Personal Information Form.</u> mership in this license must complete a <u>CC</u> Specific # of Stock or % Owned	n alcohol sales). <u>ORI Release Form.</u> Other Beneficial Interest
all individuals involved i ct or indirect, beneficial ORTANT ATTACHMENT Il individuals or entities Il shareholders, LLC mer Name	n the entity (e.g. corporate stockholde or financial interest in this license (e.g S (5): listed below are required to complete nbers or other individuals with any ow All Titles and Positions	g. landlord with a percentage rent based o a <u>Personal Information Form.</u> mership in this license must complete a <u>Co</u>	n alcohol sales). <u>ORI Release Form.</u> Other Beneficial Interest
all individuals involved i ct or indirect, beneficial ORTANT ATTACHMENT Il individuals or entities Il shareholders, LLC mer Name	n the entity (e.g. corporate stockholde or financial interest in this license (e.g S (5): listed below are required to complete nbers or other individuals with any ow All Titles and Positions	g. landlord with a percentage rent based o a <u>Personal Information Form.</u> mership in this license must complete a <u>CC</u> Specific # of Stock or % Owned	n alcohol sales). <u>ORI Release Form.</u> Other Beneficial Interest

11. EXISTING INTEREST IN OTHER LICENSES:

Does any individual listed in §10 have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list said interest below:

Name	License Type	Licensee Name & Address
	Please Select	

12. PREVIOUSLY HELD INTERESTS IN OTHER LICENSES:

Has any individual listed in §10 who has a direct or indirect beneficial interest in this license ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes \square No \square If yes, list said interest below:

Name	Licensee Name & Address	Date	Reason Terminated
			Please Select
			Please Select
		9.19	Please Select

13. DISCLOSURE OF LICENSE DISIPLINARY ACTION:

Have any of the disclosed licenses to sell alcoholic beverages listed in §11 and/or §12 ever been suspended, revoked or cancelled? Yes 🗌 No 🔽 If yes, list said interest below:

Date	License	Reason of Suspension, Revocation or Cancellation
	000 111 (T-500)	
	14072-1	

14. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR A (§15) PACKAGE STORE LICENSE ONLY :	
A.) For Individual(s):	
1. Are you a U.S. Citizen?	Yes 🗌 No 🗍
2. Are you a Massachusetts Residents?	Yes 🗌 No 🗍
B.) For Corporation(s) and LLC(s) :	
1. Are all Directors/LLC Managers U.S. Citizens?	Yes 🗌 No 🗍
2. Are a majority of Directors/LLC Managers Massachusetts Residents?	Yes 🗌 No 🗌
3. Is the License Manager or Principal Representative a U.S. Citizen?	
C.) Shareholder(s), Member(s), Director(s) and Officer(s):	Yes 🗌 No 🗍
1 Are all Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old?	
15. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR (§12) RESTAURANT, HOTEL, CLUB, GENERAL ON PR	EMISE, TAVERN,
VETERANS CLUB LICENSE ONLY:	â
A.) For Individual(s):	
1. Are you a U.S. Citizen?	Yes 🚺 No 🗌
B.) For Corporation(s) and LLC(s) :	
1. Are a majority of Directors/LLC Managers NOT U.S. Citizen(s)?	Yes 🗌 No 🗹
2. Is the License Manager or Principal Representative a U.S. Citizen?	Yes 🗹 No 🗌
C.) Shareholder(s), Member(s), Director(s) and Officer(s):	V 17 N 17
1 Are all Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old?	Yes 🔽 No 🗌

16. COSTS ASSOCIATED WITH LICENSE T	RANSACTION:	
A. Purchase Price for Real Property:		A
B. Purchase Price for Business Assets:		
C. Costs of Renovations/Construction:		
D. Initial Start-Up Costs:		PORTANT ATTACHMENTS (6): Submit any and
E. Purchase Price for Inventory:	loa	records, documents and affidavits including in agreements that explain the source(s) of
F. Other: (Specify)	inc	oney for this transaction. Sources of cash must lude a minimum of three (3) months of bank tements.
G: TOTAL COST	513	tements.
H. TOTAL CASH		
I. TOTAL AMOUNT FINANCED		e amounts listed in subsections (H) and (I) ist total the amount reflected in (G).
17. PROVIDE A DETAILED EXPLANATION ABOVE (INCLUDE LOANS, MORTGAGES, L	OF THE FORM(S) AND SOURCE(S)	OF FUNDING FOR THE COSTS IDENTIFIED
	19	
		でつ
*If additional space is needed, please use last	page.	
18. LIST EACH LENDER AND LOAN AMOU WILL DERIVE:	NT(S)FROM WHICH "TOTAL AMO	UNT FINANCED"NOTED IN SUB-SECTIONS 16(I)
Name	Dollar Amount	Type of Financing
	<i>a</i>	NP
	- A	1
*If additional space is needed, please use last	page.	
B. Does any individual or entity listed in §19 as license or any other license(s) granted under C		indirect, beneficial or financial interest in this
If yes, please describe:		
2		
- Harrison and Anna a		

19. PLEDGE: (i.e. COLLATERAL FOR A LOAN)
A.) Is the applicant seeking approval to pledge the license? Yes Vo
1. If yes, to whom:
2. Amount of Loan: 3. Interest Rate: 4. Length of Note:
5. Terms of Loan :
B.) If a corporation, is the applicant seeking approval to pledge any of the corporate stock?
1. If yes, to whom:
2. Number of Shares:
C.) Is the applicant pledging the inventory? 🗌 Yes 🗌 No
If yes, to whom:
IMPORTANT ATTACHMENTS (7): If you are applying for a pledge, submit the pledge agreement, the promissory note and a vote of the Corporation/LLC approving the pledge.
20. CONSTRUCTION OF PREMISES:
Are the premises being remodeled, redecorated or constructed in any way?_If YES, please provide a description of the work being performed on the premises: Yes No
NA
21. ANTICIPATED OPENING DATE:

IF ALL OF THE INFORMATION AND ATTACHMENTS ARE NOT COMPLETE THE APPLICATION WILL BE <u>RETURNED</u>

Additional Space

Please note which question you are using this space for.

APPLICANT'S STATEMENT

l,	the \Box sole proprietor; \Box partner; \Box corporate principal; \Box LLC/LLP member
of	

, hereby submit this application for

(hereinafter the

"Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statement and representations therein are true to the best of my knowledge and belief I further submit the following to be true and accurate:

(1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;

(2) I state that the location and description of the proposed licensed premises does not violate any requirement of the ABCC or other state law or local ordinances;

(3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;

(4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the Application information as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;

(5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;

(6) I understand that all statements and representations made become conditions of the license;

(7) I understand that any physical alterations to or changes to the size of, the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;

(8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and

(9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

_	/	
Signature:		
ř	C	
Title:		

Date:		
Date.		1

	The Commonwealth of Massachusetts Alcoholic Beverages Control Commission 239 Causeway Street Boston, MA 02114 www.mass.gov/abcc
And	MANAGER APPLICATION
	All proposed managers are required to complete a Personal Information Form.
2	nd attach a copy of the corporate vote authorizing this action and appointing a manager.
1. LICENSEE INFORMATIO	
Legal Name of Licensee:	Franklin Lodge # 2136 Bene + Prot. Ord. Of Elks, Inc. Business Name (dba):
Address:	1077 Pond Street
City/Town:	Franklin State: MA Zip Code: 02038
ABCC License Number: (If existing licensee)	04300016 Phone Number of Premise: 508-533-2136
2. MANAGER INFORMAT	10N:
A. Name: Mark C. List the number of hou	Ellis B. Cell Phone Number: 508 733 - 3492 rs per week you will spend on the licensed premises: 50
3. CITIZENSHIP INFORMA	
A. Are you a U.S. Citizen: γ	es 🕅 No 🔲 B. Date of Naturalization:
(Submit proof of citizenship a	and/or naturalization such as U.S. Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)
4. BACKGROUND INFORM	MATION:
A. Do you now, or have yo in a license to sell alcoholi	ou ever, held any direct or indirect, beneficial or financial interest c beverages? Yes No 🕅
If yes, please describe:	
B. Have you ever been the has been suspended, revo	e Manager of Record of a license to sell alcoholic beverages that ked or cancelled? Yes I No Martin
If yes, please describe:	
C. Have you ever been the	Manager of Record of a license that was issued by this Commission? Yes 🗌 No 💢
If yes, please describe:	
D. Please list your employ	ment for the past ten years (Dates, Position, Employer, Address and Telephone):
-	
I hereby swear under the pair	as and penalties of periury that the information I have provided in this application is true and accurate:

2	Signature	
	`	-

-



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

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:
A. Legal Name of Licensee Franklin Lodge #2136 Bene.& Prot Ord. of Elks, Inc.
C. Address 1077 Pond Street D. ABCC License Number 043000016 (If existing licensee)
E. City/Town Franklin State MA Zip Code 02038
F. Phone Number of Premise 508-533-2136 G. EIN of License 64-2268183
2. PERSONAL INFORMATION:
A. Individual Name Mark Ellis B. Home Phone Number 508-733-3492
C. Address 1077 Pond Street
D. City/Town Franklin State MA Zip Code 02038
E. Social Security Number F. Date of Birth
G. Place of Employment
3. BACKGROUND INFORMATION:
Have you ever been convicted of a state, federal or military crime? Yes No
If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where
the charges occurred as well as the disposition of the convictions.
4. FINANCIAL INTEREST:
Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.
Club Income of not for Profit Organization
Overseeing Finances
Managing Business Issues
IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.
*If additional space is needed, please use the last page
the second s
I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:
Signature Date 9/19/13