



FRANKLIN TOWN COUNCIL

March 4, 2015 Amended
7:00 PM

- A. APPROVAL OF MINUTES** - *January 7, 2015, February 11, 2015, April 2, 2014, April 16, 2014, May 7, 2014*
- B. ANNOUNCEMENTS** – *This meeting is being recorded by Franklin TV and shown on Comcast channel 11 and Verizon channel 29. This meeting is being recorded by Franklin Matters.*
- C. PROCLAMATIONS/RECOGNITIONS**
- D. CITIZEN COMMENTS**
- E. APPOINTMENTS** - *Cultural Council Assessor*
- F. LICENSE TRANSACTIONS** - *Acapulcos – Change of Officers/Directors and Change of Manager*
- G. PRESENTATIONS/DISCUSSIONS**
- H. SUBCOMMITTEE REPORTS**
- I. LEGISLATION FOR ACTION**
- J. TOWN ADMINISTRATOR’S REPORT**
- K. OLD BUSINESS**
- L. NEW BUSINESS**
- M. COUNCIL COMMENTS**
- N. EXECUTIVE SESSION** – *To consider purchase of real property (unimproved land)*
- O. ADJOURN**

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
January 7, 2015**

A meeting of the Town Council was held on Wednesday, January 7, 2015 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Brett Feldman, Matt Kelly, Tom Mercer, Peter Padula, Judith Pond Pfeffer, Robert Vallee, Steve Williams. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Maxine Kinhart, Assistant to the Town Administrator; Mark Cerel, Town Attorney; Judith Lizardi, Recording Secretary.

CALL TO ORDER: Chairman Vallee called the meeting to order at 6:00 PM with a moment of silence and the Pledge of Allegiance.

EXECUTIVE SESSION: *Collective Bargaining with Fire Fighters Union*

REAPPOINTMENT OF TOWN COUNCIL CHAIRMAN: **MOTION** by Kelly to **Approve** Reappointment of Chairman Vallee. **SECOND** by Pfeffer. **No Discussion. VOTE to Approve: Yes-9, No-0, Absent-0.**

APPROVAL OF MINUTES: *December 17, 2014.* **MOTION** by Padula to **Approve.** **SECOND** by Dellorco. **No Discussion. VOTE to Approve: Yes-9, No-0, Absent-0.**

ANNOUNCEMENTS: Chairman Vallee announced the meeting would be recorded by Franklin TV and available for viewing on Comcast Channel 11 and Verizon Channel 29. The meeting may also be available on Franklin Matters.

PROCLAMATIONS/RECOGNITIONS: None.

CITIZEN COMMENTS: None.

APPOINTMENTS: *Phyllis Messere Malcom - Historical Commission.* **MOTION** by Pfeffer to **Ratify** the appointment of Phyllis Messere Malcom as a full member of the Historical Commission. **SECOND** by Padula. **VOTE to Approve: Yes-9, No-0, Absent-0.**

LICENSE TRANSACTIONS: *Artistry Kitchen Franklin, LLC – Change of Manager.* **MOTION** by Mercer to **Approve** the request by Artistry Kitchen Franklin, LLC, for a Change of Manager to Spencer James Waite. **SECOND** by Feldman. **Discussion:** Ms. Pfeffer noted that the word “Kitchen” must be included in the name of the establishment in the official License Transaction document. Mr. Nutting stated that a special permit from the Planning Board will be required for the establishment to open as a private function room. **VOTE to Approve: Yes-9, No-0, Absent-0.**

HEARINGS: *Zoning Bylaw Amendment 15-745: Amendment to Chapter 185, Attachment 7, Part VI, Use Regulation Schedule, Residential Uses, Office Zoning District*

Mr. Nutting indicated this is the same zoning bylaw amendment discussed at the January 5th Planning Board meeting. He provided an overview of the development plan for the 33 acre Town owned property on Pond Street. The proposed zoning change will allow for multi-use at this site. If this zoning bylaw is adopted, then another RFP could be prepared. This mixed-use would provide additional options such as condominiums for the Town Council to determine what is in the best interest of the community. For instance, 140-room hotel would bring in revenue of approximately 1% of tax dollars. This would be a good use as to provide for low traffic and good revenue. The property should be marketed and developed to produce income for the Town.

Community members addressed Town Council. ► Mr. Paul Sager, 225 Pond Street: tremendous amount of traffic on Pond Street. Hotel is a better idea than adding families which may have two cars and children going through the school system. ► Troy, (resides on the other side of the drainage ditch area): asked how close building to drainage ditch would be, how property values would be affected, and why more office space is needed. He suggested something for public use such as a park that would benefit the entire population. He is concerned about what will happen to the wildlife. ► Glen Touhey, 488 Martello Road: what are the determining factors on how many homes or condominiums would be allowed? The impact on area should be minimized. ► Gayle Ward, 20 Hilltop Road: asked which Council members live in the area. She does not want things to change to the point that there is too much traffic. Why does the Town need more money since taxes were just raised? ► Gail Irwin, 56 Hilltop Road: Due diligence is lacking. She did not receive letter from Town identifying this change. More people should be notified. The new Starbucks has created more traffic. She expressed concern about impact of traffic on students waiting for buses. Elected Town officials should represent citizens in the area regarding this zoning change. ► Peg Helgaard, 5 Green Street: how will this impact our schools, police and fire? All citizens of the community will be affected. ► Charles Bertone, 20 Rolling Ridge Road: what will be the impact on the sewer bed? The current trees block out the highway sounds, so if they are cut down, it will be much louder. ► Glenn Jones, 172 School Street: what other zones are available on Pond Street and what is it currently zoned for? ► John Pazniokas, 4 Hilltop Road: received letter about EDC meting only three days before meeting in December. Since Town has significant debt, will concerns of community be taken into account when RFPs comes back? ► Stephanie Pazniokas, 4 Hilltop Road: can the rezoning be restricted to condominiums? Concerned about the trees. Also, if sewer tanks are removed, it could expose a situation that could be an issue. ► Sandra Verhaegen, 24 Hilltop Road: How is the Council going to protect future development of the land, and what will this rezoning mean in the future? Will more police officers be needed? ► James Schultz, 21 Mackintosh Street: encouraged each Council member to drive to Tri-County School in the morning and evening and try to take a left as they exit in order to experience the traffic concerns. ► Elaine Murphy, 2 Walker Road: what about the concerns of the residents that drive and live on Pond Street? She urged a balance between environment, neighbors and financial benefit. Is it wise to take away trees and encroach upon wetlands? Are there other areas in Franklin that could be developed? Noted the effects of Starbucks and Noodles and stated this appears to be advantageous to businesses and not the taxpayers that already live there. ► Phillip Purvis, 137 Pond Street: traffic is so heavy on Pond Street that his five- and seven-year-old children are not allowed in the front yard. This road should not be built up. ► Steven Quinlan, 204 Pond Street: what will the impact be on the Town if nothing is done?

Council responses to community members' questions/concerns.

► Mr. Kelly stated that after this rezoning takes place, it will go back to the Economic Development Committee and then return to Town Council for vote. ► Mr. Bissanti clarified that this had gone out to an RFP before and he believes the residential component will attract a better package. ► Mr. Padula stated he wants to balance the revenue aspect with what is best for the community. Suggested that public should attend EDC meetings and follow process of due diligence. ► Mr. Nutting stated that the Town has fixed costs that increase yearly. He would like to shift the tax burden to commercial and industrial as they do not add children to the tax base. Would like land to be rezoned to attract businesses. Usually, condominiums are an economic gain for the Town. Land needs to be developed, but meet the financial needs of the Town and the neighborhood. The sewer beds on the property will have to be cleaned out and the forthcoming RFP will determine setbacks. This area is already zoned for office and is biotech ready. ► Mr. Feldman appreciated the input from the Town and audience and asked that they continue to stay engaged during each step of the process. ► Mr. Nutting said all abutters received notices, but they will broaden the notice list to include more residents in the area. ► Bryan Taberner, Community Development and Planning, Director, indicated that although it was not a requirement, 63 letters were sent out to abutters of 300 ft. ► Mr. Dellorco stated his biggest concern is the traffic. He would not like to see apartments or many condominiums. He would like the abutters and community to be more involved. ► Ms. Pfeffer stated the zoning bylaw amendment is not rezoning a residential area. The property is already zoned for office and this is trying to add a small residential piece to the office district. ► Mr. Nutting stated the Economic Development Committee will probably meet in February to discuss the RFP process.

MOTION by Vallee to **Close** the public hearing on Zoning Bylaw Amendment 15-745: Amendment to Chapter 185, Attachment 7, Part VI, Use Regulation Schedule, Residential Uses, Office Zoning District. **SECOND** by Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.**

PRESENTATIONS/DISCUSSIONS: ► *Community Opportunities Group - Community Development Block Grant.* Mr. Nutting provided a brief explanation of the Town's joint application for a Community Development Block Grant (CDBG) for housing rehabilitation with no interest loans. A regional application is seen as having a better chance of funding, so the Town decided to join forces with the hope of getting some funding to help residents pay for needed repairs of their homes. If the funds are awarded, the program would be overseen by Community Opportunities Group. This firm has assisted the Town in the past.

Community Opportunities Group explained that the Town of Bellingham would be the lead community and have all of the managerial responsibilities. If the Town of Franklin moves forward, Franklin would receive a portion of the grant, along with Bellingham and Hopedale. The grant provides housing rehabilitation which includes financial assistance to households needing home repairs. Funding for food pantry or supplemental food assistance for qualifying residents is also addressed. They are asking for Town Council to authorize the Town Administrator to work with the Community Opportunities Group and vote to join with Bellingham and sign required documents for this grant application.

Mr. Nutting requested this be put on the Town Council's agenda for two weeks to have a formal motion. Also noted, if a loan is held for fifteen years after home is repaired, it is forgiven.

Councilor Kelly recused himself.

► ***150 Emmons Street.*** Mr. Nutting provided a brief discussion of the sale of 150 Emmons Street, and recommended that Town Council move forward with this. In response to the RFP, one bid was submitted by Mr. Roger Calarese for \$500,000. He would like to consider retail development and include a statue of Horace Mann on the property to help set the tone of what will be the “Gateway to the Downtown.” Mr. Nutting displayed and reviewed the design plan for the 8,000 sq. ft. of retail.

Mr. Richard Cornetta, Attorney, for Mr. Calarese, stated that Mr. Calarese regretted not being able to attend tonight’s meeting. Mr. Cornetta purported that if any restrictions are placed, they should be specific to the drive thru. He reiterated that Mr. Calarese withdrew the fast food/coffee related drive thru from the proposal, but would like to reserve his right to have the option of a bank drive thru.

Mr. Steve Sherlock from Franklin Matters reviewed his survey regarding the sale of the land and restrictions on the drive thru and explained the responses.

Community members addressed Town Council. ► Lisa Piana, Executive Director of the Franklin Downtown Partnership stated she was involved in many of the past meetings on this issue and is happy to learn that Mr. Calarese heard the concerns of the residents and eliminated the fast food drive thru, and is looking forward to continued discussions. ► Glenn Jones, 172 School Street, stated he hoped the Town would make this a presentable gateway area when entering the Town. He would not like to see any drive thru here, but the new proposal increases the green space and meets much of the criteria for this lot. He hopes the developer takes into consideration that there will be much revision to this particular intersection of Emmons and West Central streets from the Downtown Revitalization Project including revised crosswalks, a new set of lights, and 30% of the traffic load will be rerouted into a two-way traffic pattern. As such, he does not want any type of drive thru. ► Dennis Sardella, 597 Maple Street stated the new proposal is good as the area needs work in order to be a magnet for people to come to Town, although the prospect of a drive thru or bank is a wrong step. ► Cyndi Rich, 2 Lily Waye and downtown business owner, agreed that there should not be a food drive thru. ► Lisa Buccella, 96 Jefferson Road remarked that residents keep aware of Town actions through methods other than in-person meeting attendance. She wants to make sure that the entrance is carefully considered. ► Gregg Chalk, Assistant Vice President of Marketing for Dean College, stated the College is supportive of development, but wants to reiterate opposition to a food drive thru for the safety concerns of students. ► Peg Forbes, 13 Oxford Drive, suggested a raised crosswalk over Rt. 140. ► Jane Curran, 18 Park Road and owner of downtown business, Jane’s Frames, stated she is glad that there will not be a food drive thru, but is concerned about entrances and exits. ► James Schultz, 21 Mackintosh Street, objects to any drive thru on this parcel of land. Downtown area does not need any stop and go traffic, but something that will engage people to stay and see what the downtown area has to offer. ► Elaine Murphy, 2 Walker Road, appreciated the illustrative designs. If this cannot become the gateway to the Town, is there any other location?

Mr. Nutting stated the original proposal was for a bank and retail space. Then discussions ensued and both citizens and Downtown Partnership did not want a drive thru. As such, Mr.

Calarese took it off the table and came up with a new plan. He reminded audience that this is a conceptual design which needs to go through Planning Board and site plan process.

Mr. Mercer is concerned with the revitalization of Downtown and was also against the drive thru. He stated concern with the traffic in the area. He remarked that Town Council has done their due diligence and the green space has been increased from 20 to 30 percent.

Mr. Padula stated he will only vote for a bank drive thru, not anything else.

Mr. Cerel stated that any restrictions, such as a bank drive-thru, put in place will only last for thirty years.

Mr. Nutting explained that the Planning Board reviews studies for drive thru operations and vehicle service establishments. Bank drive-thru areas have shorter stack lanes.

Mr. Nutting stated the Town Council is going to maintain easement so that there will be some green space, a Horace Mann statue, and a nice building. There has been much discussion about selling the building, but also a compromise about the development of the property.

Councilor Kelly re-entered the meeting.

► ***Town Administrator's Annual Update, Five Year Fiscal Forecast, Master Plan Update.***

Mr. Nutting provided a brief overview of the ***Annual Update*** as well as a list of potential issues for 2015 and beyond. He noted that in the financial perspective, balancing the budget for FY 16 is reachable, while FY 17 and beyond becomes more difficult. OPEB Trust voted in December to be created. Still waiting for Firefighter arbitration settlement. Will be bargaining again with all unions as all contracts run out on June 30th. Library Committee funded and will soon pick an architect. Looking for a home for the Recreation Department as the current building is to be sold. Second floor of the Senior Center is underway. Putting away funds for the Turf fields replacement. Overrides for roads failed so money is needed in that area. Water improvements continue. Sidewalk proposal is being developed for Council's consideration. Several workshops on zoning have been conducted and would like another workshop on issues outlined in the Master Plan. Formal proposal coming forward in next few months regarding Downtown parking. Pond Street discussions have ensued. Future of old Municipal Building continues to be discussed. Current enrollment in lower-grade schools will decline. Portables will be removed this summer. Much got accomplished with some items still in the works to move the community forward. This will be a busy year ahead for community and the Council.

Mr. Nutting reviewed the ***Five Year Fiscal Forecast***. He noted that this is a forecast and it may change based on many factors. He stated that Franklin is generally in good financial shape, but in the long run will continue to struggle to maintain high quality school and municipal services given the fiscal constraints that the Town operates under. Starting in FY 17, the forecast suggests that the Town may face difficult choices and each budget will affect the future. FY 16 which begins in July will be handled without any impact, but expenses and revenues beyond that get rather alarming. Fixed costs for pensions and health insurance and overall general costs continue to rise greater than the Town's income. Town has been fortunate in the down economy that

some of the costs have been reduced or held. There was great cooperation from employees and collective bargaining agreements, such as working on changing health plans and higher co-pays, which has helped. Town expects 10% increase in county assessment which is about \$360,000 this year. Town receives \$2.6 million in new revenue each year on a \$100 million budget--approximately 2 ½ percent increase. But, when budgets, pensions, health insurance, etc., all go up, the Town is out of money. The schools must be maintained to provide a quality education so even small increase in school budget puts Town in difficult situation. Expressed need for diligence in Town staff changes. Maximize revenue opportunities to provide the services that the citizens want and expect. Also, for Franklin and the rest of country is a rapidly aging population. This has implications for ambulance, Senior Center and support they need from community and how Town will deliver and provide services.

Ms. Pfeffer stated the Benjamin Franklin Charter School takes \$4.3 million away from Town's Chapter 70 allocation. The school is looking to expand to include grade K to grade 12. If the Benjamin Franklin Charter School finds a new location and moves out of Franklin, some of the students will move back into the Franklin school system; therefore, some of the money would be absorbed back into the Franklin schools' budget.

Mr. Nutting noted that the Town lost 529 elementary students in last five years. It is projected that the Town will lose a few hundred more over time, so it seems there would be space in the elementary schools.

Mr. Feldman questioned whether any changes would be expected with the new administration coming in the State.

Mr. Nutting remarked that the State will need to fill gaps as the State faces same pressures the Town has with large healthcare costs and debt issues.

Mr. Nutting cited the *Master Plan* document and stated a good faith effort to address as many issues as possible over the decade for the betterment of the community.

Chairman Vallee stated a good job as usual.

SUBCOMMITTEE REPORTS: None.

LEGISLATION FOR ACTION:

Resolution 15-01: Acceptance of Gift – Council on Aging: Councilor Pfeffer read the resolution for the acceptance of a gift for the Council on Aging. **MOTION to Accept** by Mercer. **SECOND** by Padula. **Discussion:** A thank you letter will be sent. **VOTE to Approve: Yes-9, No-0, Absent-0.**

Zoning Bylaw Amendment 15-745: Amendment to Chapter 185, Attachment 7, part VI, Use Regulation Schedule, Residential Uses, Office Zoning District – 1ST Reading: Councilor Pfeffer read the resolution for the zoning bylaw amendment 15-745. **MOTION to Move** for second reading by Mercer. **SECOND** by Kelly. **VOTE to Approve: Yes-9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: None.

OLD BUSINESS: None.

NEW BUSINESS: ► Mr. Bissanti stated that the Town really needs to vet the workforce housing multi-family zone in Franklin. Also, the Town needs to come up with a better zone than R5. The south side of Rt. 140 seems ideal for a commercial zone. Council members are getting emails and inquiries about what to do with the West Central corridor. ► Chairman Vallee asked why the entire area cannot be rezoned. ► Mr. Nutting indicated the area is a traffic nightmare where two lanes merge into one. Also, the State will probably not work to widen this road; therefore, the Town will not get funding to fix 800 ft. of roadway. ► Chairman Vallee asked if Town could widen the street. ► Mr. Nutting suggested this discussion during a workshop. ► Mr. Nutting mentioned that Representative Roy organized a meeting for Town Council members and business owners in Franklin, and experts in biotech and medical products' fields. One of the local businesses offered assistance in marketing the industrial areas in Franklin to these groups through trade shows and outreach methods. ► Chairman Vallee hopes more Council members will attend the next meeting.

COUNCIL COMMENTS: ► Mr. Kelly mentioned that Town Council members are responsible for the Town of Franklin and the 34,000 residents. Sometimes a Council meeting may get contentious, but members do their absolute best to represent the citizens. For instance, currently, the OPEB is \$89 million in debt. These are concerns that the Council must address and figure out in the best interest of the community. Council members take each comment and concern by a resident very seriously and try to provide best responses. Councilors do not get paid, it is a volunteer position. Councilors work very hard for their constituents. ► Mr. Bissanti mentioned that the audience must be aware that the Councilors do not know the future and have no way of knowing what will be coming back from the RFPs. He hopes the audience continues to stay in touch and follow the proceedings. ► Mr. Feldman thanked everyone for attending the meeting.

ADJOURN: MOTION by Kelly to **Adjourn. SECOND** by Mercer. **VOTE to Approve: Yes-9, No-0, Absent-0.** Meeting adjourned at 9:30PM.

Respectfully submitted,

Judith Lizardi

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
February 11, 2015**

A meeting of the Town Council was held on Wednesday, February 11, 2015 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Brett Feldman, Matt Kelly, Tom Mercer, Peter Padula, Judith Pond Pfeffer, Robert Vallee, Steve Williams. Administrative personnel in attendance: Jeffrey Nutting, Town Administrator; Maxine Kinhart, Assistant to the Town Administrator; Mark Cerel, Town Attorney.

CALL TO ORDER: Chairman Vallee called the meeting to order at 7:00 PM with a moment of silence and the Pledge of Allegiance.

APPROVAL OF MINUTES: *May 14, 2014, June 4, 2014, January 21, 2015.* **MOTION to Approve** by Mercer. **SECOND:** Kelly. **Discussion:** Ms. Pfeffer asked when meeting minutes from 2014 would be completed. Ms. Kinhart stated all would be completed soon. **VOTE: Yes-9, No-0, Absent-0.**

ANNOUNCEMENTS: Chairman Vallee announced the meeting would be recorded by Franklin TV and available for viewing on Comcast Channel 11 and Verizon Channel 29. The meeting may also be available on Franklin Matters.

PROCLAMATIONS/RECOGNITIONS: None.

CITIZEN COMMENTS: None.

APPOINTMENTS: None.

HEARINGS: None.

LICENSE TRANSACTIONS: None.

PRESENTATIONS/DISCUSSIONS: None.

SUBCOMMITTEE REPORTS: ► Mr. Bissanti reported that at the last Economic Development Committee (EDC) meeting the discussion focused on the Pond Street RFP. Good input was received by the approximately eight members of the audience in attendance. Hope to have another EDC meeting next month to review traffic figures. ► Mr. Kelly reported that the Capital Committee met this evening and just started to review capital. The next meeting is scheduled for March 4th at 6PM.

LEGISLATION FOR ACTION: *Resolution 15-09: Authorization to Expend Funds in Excess of Available Appropriations.* Ms. Pfeffer read resolution 15-09. **MOTION to Move** Resolution 15-09 by Mercer. **SECOND:** Kelly. **Discussion:** Mr. Nutting stated he anticipates exceeding the \$950,000.00 snow budget; therefore, this resolution is needed to pay the bills. **VOTE: Yes- 9, No-0, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► Mr. Nutting thanked all staff and citizens for donating 700 pounds of food to the Food Panty, and would like to do even more this year if possible. ► Town will be advertising for available beer and wine license. Will give people time to apply and bring to Council for consideration. ► Had discussion with bond rating agency. Should be going to market to do \$7 million refinance of existing bonds which is projected to

save over \$500,000. Most of this is in water and sewer funds. ► Recognized Chief McCarraher who received Certificate of Professional Development as chief. ► Reviewed more than you notes from resident receiving help from public safety officials for son who hit head. ► Board of Assessors seat vacant. Send resume to apply so Council can consider. ► After researching, there was no reason given for \$200 donation to the Town. ► Received preliminary draft of drawing for the front of 150 Emmons Street. In process of drafting P&S agreement. Looking at timeline of around July 1, 2015 for transfer of ownership. ► Requesting Executive Session for Collective Bargaining strategy.

OLD BUSINESS: ► Chairman Vallee asked Mr. Nutting about communication with MassDOT regarding the train station. Mr. Nutting stated he had contacted them prior to snow events and is currently waiting for their reply; he will send another email reminder.

NEW BUSINESS: None.

COUNCIL COMMENTS: ► Mr. Kelly thanked the Cultural Council and the Lady Bug Committee for their dedication of a Lady Bug last night which was accepted by the Town and will be displayed in the Franklin Town Hall indicating what Franklin has done for the state. Mr. Kelly also thanked all that donated money to the project. ► Mr. Bissanti wished Maureen Sabolinski, Superintendent of Schools, a speedy recovery. ► Mr. Dellorco thanked DPW for their good work during the snow storms. ► Ms. Pfeffer reminded all of former sign on door requesting cell phones be turned off when entering.

EXECUTIVE SESSION: *Discussion of Strategy for negotiations with all Town Employee Unions.* **Motion to Move** that Town Council enter executive session for discussion of strategy for negotiations with all Town Employee Unions by Pfeffer. **SECOND:** Feldman. **ROLL CALL VOTE:** Bissanti-YES; Dellorco-YES; Feldman-YES; Kelly-YES; Mercer-YES; Padula-YES; Pfeffer-YES; Vallee-YES; Williams-YES. **YES - 9, NO - 0. Passes.**

Town Council Meeting Public Session ended at 7:12PM.

Respectfully submitted,

Judith Lizardi



FRANKLIN TOWN COUNCIL

April 2, 2014

MINUTES

A meeting of the Town Council was held on Wednesday, April 2, 2014 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Brett Feldman, Glenn Jones, Matt Kelly, Thomas Mercer (by Remote Participation), Peter Padula, Judith Pond Pfeffer, Robert Vallee, Steve Williams. Town Administrator Jeff Nutting, Mark Cerel, Town Attorney and Maxine KINHART, Assistant to the Town Administrator.

***CALL TO ORDER:** Chairman Vallee called the meeting to order at 7:00PM with a moment of silence and the Pledge of Allegiance.*

A. APPROVAL OF MINUTES – February 12, 2014 regular and Executive Session- To be released **MOTION** by Padula to Approve the Minutes of February 12, Regular and Executive Session. **SECOND**, Kelly. **Roll Call: Bissanti – Yes, Dellorco – Yes, Feldman – Yes, Kelly – Yes, Mercer – Yes(by remote), Padula – Yes, Pfeffer – Yes, Vallee – Yes, Williams - Yes VOTE: 9-Yes 0-No 0-absent**

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.

Councilor Mercer will attend by remote participation. All votes will be by Roll Call.

C. PROCLAMATIONS/RECOGNITIONS - None

D. CITIZEN COMMENTS - None

E. APPOINTMENTS - None

F. HEARINGS - None

G. LICENSE TRANSACTIONS – None

H. PRESENTATIONS/DISCUSSIONS:

► **Senator Spilka, Senator Ross, & Representative Roy:** Legislators present to discuss budget issues. Senator Spilka explained that they are in the second year of a two year Session that will end July 31. House will do their bill in April, Senate will do theirs in May and joint in June Conference committee together to hash things out. House/Senate agreed to joint resolution for local aid. Chapter 70 \$100,000,000 that resulted in \$154,850 increase to Franklin and unrestricted local aid of \$25,000,000 which resulted in \$59,000 to Franklin. Transportation Bond Bill is 1.5 Billion for 5 years to cities and towns. \$300,000,000 every

year. \$150,000,000 has been released already. Chris, Representative Roy's Aide stated that anyone with questions should contact the Representative or himself. Chris also noted that they had secured \$300,000 for Panther Way Project. Representative Ross encouraged people to write letters and let them know what are the issues.

► **150 Emmons Street:** Councilor Jones, Chairman of the Economic Development Committee said that the Economic Development Committee had discussed the property and would like to have the full council and the public to have a discussion. Town Administrator added that the Town had a study done a year ago by an outside engineering company on the condition of the existing building. At the time it would cost in excess of 2,000,000 to renovate that building. That did not include fit-ups or carpeting etc.

Public

► Lisa Piana Director, Franklin Downtown Partnership

Would like to have the traffic evaluated. Thought the meeting in March was good, but thought it was a first step. Wanted to know where are the people going to park once down town construction begins? Wants time for the Partnership to work together with the Council to find a solution. ► Claire Griffin, 164 Main Street Should put this on hold for a year. Businesses cannot afford to lose income due to loss of parking. ► Richard Huff, 54 Meadowbrook Rd., Assistant Officer for a non-profit. Suggested that non-profits could lease the building. ► Jim Schultz, 21 Macintosh St., Referencing the 2003 Master Plan, he felt that the property should be part of a Cultural District. ► Maxwell Morrongiello, 210 Chestnut St., We are part of a Commonwealth and what we do there will be there for a 100 years. ► Susan Sheridan 21A Hawthorne Village, Is surprised at some of the ideas she has heard with very little community input. Once the property is gone, it's gone. ► Jane Curran, Jane's Frames, Once Streetscape Project starts where is parking going to be? ► Michael Doherty, 50 Bridle Path, Believes the project should move forward and encourage alternative ideas at the same time. Will have lots of time to participate. ► John Griffin, 164 Main Street, Nothing should be done with this site. Streetscape is coming. Should preserve your options. Could be opportunity to do something meaningful there. ► Allan Mercer, Franklin Performing Arts, In favor of delaying. Confused between RFI and RFP. It's a lot of money for green space. We should do a fund raising feasibility study. ► Guy Rezendes, 4 Alisha Dr., You have an opportunity to do some good here. Gateway to downtown. Doesn't have to be one or the other. ► Brian Kelly, Dean College, Is in favor of whatever is going to enhance the property. It is the Gateway. ► ► Cindy Rich, The Quilt Shop, The Streetscape project is coming and thinks we should be creative and not just go with the bird in the hand. ► Jim Halnon, Council should not do anything that would impact the downtown businesses.

Citizens Committee

Councilor Pfeffer, as member of Citizens Committee read statement from committee. Formed to encourage quality, visually pleasing financially enhancing economic development for the benefit of our community. Projects they have had an impact on to date are the dump (recycling center), acquisition of land purchase next to dump, Dean College Train Station Building improvements, Cook Farm Building Project, Downtown cleaning/maintenance of Downtown Center Business District. Currently 150 Emmons Street is an economic drain. The curb cuts should be done now, not when the roadwork is completed. The revenues received could benefit the Recreation Dept. The Site is not feasible as a park, it would be a loss of revenues. A park would benefit Dean College students. There needs to be a public/private effort.

Council

► Kelly, October EDC meeting discussion about drive through and it was clear that the Council did not want a drive through at that location and again in March. The subject of 150 Emmons has been on the agenda since 2004. ► **MOTION** by Kelly to have EOI for 90 days be referred back to the EDC for review with a full report to the Council on 9/3 Council Meeting. **SECOND**, Padula. ► Padula, not in favor of time delay. We've had significant discussions on this. ► Bissanti, Grandfather walked me from Dean Ave to the Rome. If it were about money, I wouldn't have opposed the anaerobic digester when it wanted to come to Pond Street. Let's keep on moving forward. ► Mercer (by remote), Don't want to rush in, but don't want to stop. Have questions unanswered. Parking is an issue. Traffic pattern there is an issue. Thank residents for coming out. ► Jones, Spend lots of time downtown. Parking is an issue. Would like to approach Rockland Trust about parking. Horace Mann should get 8,000 – 10,000 square ft. of the parcel. ► Williams, there is truth, problems with parking. Go with Expression of Interest that will put things off a little so we can make an informed decision. **Roll Call: Bissanti – Yes, Dellorco – Yes, Feldman – Yes, Kelly – Yes, Mercer – Yes (by remote), Padula – Yes, Pfeiffer – Yes, Vallee – Yes, Williams - Yes VOTE: 9-Yes 0-No 0-absent**

I. SUBCOMMITTEE REPORTS – None

J. LEGISLATION FOR ACTION

- 1. Resolution 14-05: Appropriation: Fire Detail Account – MOTION to continue until 2nd meeting in May, Jones. SECOND, Williams. Fire Chief has asked to continue this Resolution to the second meeting in May so that he may continue to reconcile some of the items. Roll Call: Bissanti – Yes, Dellorco – Yes, Feldman – Yes, Kelly – Yes, Mercer – Yes (by remote), Padula – Yes, Pfeiffer – Yes, Vallee – Yes, Williams - Yes VOTE: 9-Yes 0-No 0-absent 0**
- 2. Resolution 14-15: Request for Special Legislation, Re: Local Sales Tax on Sale of Medical Marijuana – MOVE Resolution 14-15, Padula. SECOND, Kelly. Town Administrator took this from the Town of Dennis. No one else is doing yet. Medical marijuana is going to be a very lucrative business. Roll Call: Bissanti – Yes, Dellorco – Yes, Feldman – Yes, Kelly – Yes, Mercer – Yes (by remote), Padula – Yes, Pfeiffer – Yes, Vallee – Yes, Williams - Yes VOTE: 9-Yes 0-No 0-absent**
- 3. Zoning Bylaw Amendment 14-728R: Changes to Chapter 185 – 5, Zoning Map: Industrial to Single Family III (Washington St.)-Referral to Planning Board - MOTION to waive the reading, Kelly. SECOND, Jones. Roll Call: Bissanti – Yes, Dellorco – Yes, Feldman – Yes, Kelly – Yes, Mercer – Yes (by remote), Padula – Yes, Pfeiffer – Yes, Vallee – Yes, Williams - Yes VOTE: 9-0-0. MOTION by Jones to Refer ZBL 14-728R to the Planning Board. SECOND, Williams. Roll Call: Bissanti – Yes, Dellorco – Yes, Feldman – Yes, Kelly – Yes, Mercer – Yes (by remote), Padula – Yes, Pfeiffer – Yes, Vallee – Yes, Williams - Yes VOTE: 9-Yes 0-No 0-absent**
- 4. Zoning Bylaw Amendment 14-732: Changes to Chapter 185-21, Parking, Loading, and Driveway Requirements – Referral to Planning Board - MOTION to waive the reading, Jones. SECOND, Williams. Roll Call: Bissanti – Yes, Dellorco – Yes, Feldman – Yes, Kelly – Yes, Mercer – Yes (by remote), Padula – Yes, Pfeiffer – Yes, Vallee – Yes,**

Williams - Yes VOTE: 9-Yes 0-No 0-absent . MOTION by Jones to refer ZBL 14-732 to the Planning Board. SECOND, Kelly. Discussion: TA stated current Bylaw on site distance should be changed to the state standard to allow reasonable site distance. Also take driveway separation from ZBA and make it a special permit from the Planning Board. This will stream line things. Roll Call: Bissanti – Yes, Dellorco – Yes, Feldman – Yes, Kelly – Yes, Mercer – Yes(by remote), Padula – Yes, Pfeffer – Yes, Vallee – Yes, Williams - Yes VOTE: 9-Yes 0-No 0-absent

K. TOWN ADMINISTRATOR’S REPORT - *April 30 and May 1 will be Budget Meetings. Best wishes to Stella Jeon.*

L. OLD BUSINESS – *None*

M. NEW BUSINESS - ► *Chairman Vallee would like to create a new subcommittee to explore having an Emergency Care Center here in Franklin. Judy Pfeffer and Peter Padula will be on it. ► Want Jeff to call State DOT. When is project to start? Jeff Roy will probably have news tomorrow.*

N. COUNCIL COMMENTS – ► *Councilor Bissanti is proud of townspeople wanting to be involved. We represent the whole town. ► Councilor Kelly stated it was not his intention to be harsh with some of his comments. He appreciates everyone coming out here tonight.*

O. EXECUTIVE SESSION – *Negotiations, Litigation, Real Property, as May Be Required*

P. ADJOURN – **MOTION to ADJOURN: Roll Call: Bissanti – Yes, Dellorco – Yes, Feldman – Yes, Kelly – Yes, Mercer – Yes(by remote), Padula – Yes, Pfeffer – Yes, Vallee – Yes, Williams - Yes VOTE: 9-Yes 0-No 0-absent**
– **9:18 pm**

Respectfully Submitted,

Maxine Kinhart



FRANKLIN TOWN COUNCIL

April 16, 2014

Minutes

A meeting of the Town Council was held on Wednesday, April 16, 2014 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Brett Feldman, Glenn Jones, Matt Kelly, Thomas Mercer, Peter Padula, Judith Pond Pfeffer, Robert Vallee, Steve Williams. Town Administrator Jeff Nutting, Mark Cerel, Town Attorney and Maxine KINHART, Assistant to the Town Administrator.

CALL TO ORDER: *Chairman Vallee called the meeting to order at 7:00PM with a moment of silence and the Pledge of Allegiance.*

A. APPROVAL OF MINUTES – *March 5, 2014 – MOTION to approve Minutes, Williams. SECOND, Kelly. VOTE: Unanimous*

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.*

April 26 is Earth Day, meet at Beaver Pond rain or shine, 9-12, community service certificates.

C. PROCLAMATIONS/RECOGNITIONS - None

D. CITIZEN COMMENTS - None

E. APPOINTMENTS -

► **Design Review Commission** - *Kate Harrington - MOTION to ratify the appointment by the Town Administrator of Kate Harrington to serve as an associate member of the Design Review Commission, Pfeffer. SECOND by Jones. VOTE: Unanimous*

► **Library Board of Directors** – *Suzanne Stilgoe - MOTION to ratify the appointment by the Town Administrator of Suzanne Stilgoe to serve as a member of the Library Board of Directors. VOTE: Unanimous*

F. HEARINGS – None

G. LICENSE TRANSACTIONS - None

H. PRESENTATIONS/DISCUSSIONS –

► **Gary McCarragher/Ambulance Information** – *Fire Department has 3,400 emergency responses per year. ALS (Advanced Life Support) and BLS (Basic Life Support). Priority 1 – severe – life threatening. Priority 2 – trauma. Priority 3 – basic life support. 45 minutes away from trauma center. Trauma center has operating room available 24/7. Make 1500 trips to Milford Hospital a year in 16.2 minutes. Mutual aid is on the rise 100 to 150 calls. 54% of calls are back to back. Make about 200 calls to Dean College and 50 – 60 transports. Have two ambulances with one backup.*

► **Solarize Franklin** – *if we can get 20 to 30 citizens to sign up and use one installer then it will be cheaper all around. Need to register with the Department of Planning and Community Development.*

► *Library Board/Director – Sandy Brandfonbrener introduced Board of Directors present, Monique Doyle, Susan Rittenhouse, Kathleen Gerwatowski, and Susan Stilgoe. Felicia Oti, Library Director, presented “Renovation and Space Needs Assessment” done in 2007. Library built in 1904, children’s wing added in 1988. Collections are up 69% since 2,000, library visits are up 71% since 2000, Children’s programs are up 117% since 2000, and weekly computer and internet usage is up 112% since 2010. The approved FY 2014 budget is \$300,000 short of the Municipal appropriation requirement. Of the Renovation and Space Needs Assessment, Came three phases. Phase One: exterior repairs and restoration completed in 2008. Phase Two was interior and code and Three – expansion. Two and Three is subject today. Felicia explained the needs of the library, there is a space crunch; there is no room for storage, no room for technology. Two options: #1: Renovate and bring building up to code. Gain 1,000 sf. #2: Add 6,000 sf., meet code, provide current and future needs and services for next 20 years. Franklin Library is small in comparison to its neighbors. Natick Library is 300% larger with the same population. ► Councilor Padula asked if parking was being looked at. Town Administrator said “Not at this time”. Padula asked why the library in this day of e-books and technology. Felicia stated that e-books are expensive and not user friendly and as for technology, the library is the only source for computer and internet for some. ► Councilor Pfeffer noted that the Library has discount passes to the Boston museums and the Aquarium. The Town Administrator stated we will need a building committee and will have to hire a project manager and an architect. We will come back to council in 30 to 45 days. 6.6 million will fit in the debt capacity.*

I. SUBCOMMITTEE REPORTS – Economic Development Committee Chair, Glen Jones announced that the Committee is putting out a Request for Expression of Interest for 150 Emmons Street for the future redevelopment of the 38,399 sf. Parcel of land. The Expression of Interest is due Thursday, July 31, 2014 at 4:00 pm.

The Economic Development Committee is requesting an appraisal of the Pond Street property and a potential cleanup in preparation for a sale.

J. LEGISLATION FOR ACTION

- 1. Resolution 14-16: Authorization to Borrow – Water Infrastructure Improvements - Requires 2/3 Vote.** \$7,500,000 is appropriated for replacing water lines, and other water infrastructure improvements, engineering, inspection, roadway improvements, including all costs incidental or related thereto; and to meet this appropriation, the Treasurer-Collector with the approval of the Town Administrator is authorized to borrow \$7,500,000 under G.L. c.44, §8 or any other enabling authority. **MOVE** Resolution 14-16, Jones. **SECOND**, Mercer. This is for improvements to the waterlines over 5 years. Engineering and design with previous authorization **VOTE: Unanimous**
- 2. Resolution 14-17: Appropriation Athletic Fields Capital Improvement Stabilization Fund- Requires 2/3 Vote** Be It Moved and Voted by the Town Council to transfer One hundred thousand dollars (\$100,000.00) from Free Cash to the Athletic Fields Capital Improvement Stabilization Fund. Clerk read the **MOTION, SECOND** by Padula. Discussion: Need 900,000. This will put us at half. We are targeting 2016/2017. High School and Beaver Street. Councilor Williams wanted to know the life expectancy. It was anticipated to be 15 years. It’s been 10 years, think it’s going to be that. **Vote: Unanimous**
- 3. Resolution 14-18: Appropriation OPEB Stabilization Fund - Requires 2/3 Vote** Be It Moved and Voted by the Town Council to transfer Two hundred thousand dollars (\$200,000.00) from Free Cash to the OPEB Stabilization Fund. Clerk Read the **MOTION, Jones SECOND.** \$89 million unfunded liability. 10% of free cash as well as an appropriation of annual budget. **VOTE: Unanimous**

4. **Resolution 14-19: Appropriation Sewer Enterprise Capital FY 14**
*Be It Moved and Voted by the Town Council that the sum of Four Hundred and Eighty-three Thousand Dollars, (\$483,000) be transferred/appropriated from Sewer Retained Earnings, to be expended at the discretion of the Town Administrator for the FY 2014 Sewer Enterprise Capital Improvement Plan. Vehicles – Truck Replacement, Beaver St Interceptor, Red Gate Lift Station. Clerk Read The **MOTION, SECOND** by Jones. **VOTE: Unanimous.***
5. **Resolution 14-20: Appropriation Water Enterprise Capital FY 14**
*Be It Moved and Voted by the Town Council that the sum of One Hundred and Seventy-five Thousand Dollars, (\$175,000) be transferred/appropriated from Water Retained Earnings, to be expended at the discretion of the Town Administrator for the FY 2014 Water Enterprise Capital Improvement Plan. Meter Replacement program, and generator. Will replace water meters, this being year 1 for the next five years. Clerk read the **MOTION, SECOND** by Padula. **VOTE: Unanimous***
5. **Resolution 14-21: Appropriation Fire Truck Stabilization Fund - Requires 2/3 Vote**
*Be It Moved and Voted by the Town Council to transfer One hundred thousand dollars (\$100,000.00) from Free Cash to the Fire Truck Stabilization Fund. Clerk read the **MOTION, SECOND** by Kelly. **Discussion:** Have \$176,000, need 600,000 for a new truck. Will put \$100,000 away in perpetuity. **VOTE: Unanimous***
6. **Resolution 14-23: Senior Center Capital Improvement Stabilization Fund- Requires 2/3 Vote**
*Be It Moved and Voted by the Town Council to transfer Four hundred and Thirty thousand dollars (\$430,000.00) from Free Cash to the Senior Center Capital Improvement Stabilization Fund. Clerk read the **MOTION, SECOND** by Padula. **Discussion:** This will put the balance in the Stabilization fund at over \$900,000. Need to reconstitute the Senior Center Building Committee to finish the Senior Center including an elevator, second floor and a second egress. Every day 10,000 people turn 65. **VOTE Unanimous***
7. **Resolution 14-24: Appropriation Capital FY 14 MOTION to waive the reading Jones, SECOND by Kelly. VOTE: 8 – 1 – 0 Pfeffer voted against the Motion. MOVE Resolution 14-24, Jones, SECOND by Kelly**
Be It Moved and Voted by the Town Council that the sum of One Million Five hundred and Ninety-two thousand dollars (\$1,592,000) be transferred/appropriated from the following accounts:

Free Cash		\$685,505.12
Overlay Surplus		\$550,000.00
King St Const	Acct #31422745-588100	\$142,415.43
FY 12 Capital-equip	Acct#01950412-587300-58192	\$ 19,196.50
FY 12 Capital-library	Acct#01950412-582500-58610	\$ 58,589.65
FY 10 Capital-bldg imp	Acct#01950410-582500-58192	\$ 18,000.00
FY 09 Capital-bldg imp	Acct#01950409-582500-58192	\$ 15,213.06
RJ Roof Res13-31	Acct#31350315-580000	\$ 30,000.00
Downtown HPP Easements	Acct#01923902-580000	\$ 73,080.24

to be expended at the discretion of the Town Administrator for the FY 2014 Capital Improvement Plan: Town Clerk: Equipment: Election Booths \$35,000, Vehicles \$35,000, Fire: Equipment: Portable Radios: \$84,000, EMS Jackets: \$14,000, SCBA: \$90,000, Police: Vehicle \$106,000, Radios: \$92,000, Computers: \$20,000, Town: Technology – Virtual – Replace \$45,000, Windows XP – Replace: \$100,000, Schools: Books – Math: \$157,000, FHS Projectors: \$50,000, POS

Nutrikids \$31,000, KS Computer Labs: \$60,000, DPW: One pickup Truck: \$30,000, Truck body replace: \$30,000, Sidewalk tractor: \$48,000 Projects: Park St Drainage: \$100,000, Sr Ctr Lot: \$225,000, Police Station Lot, \$25,000, Public Properties – Town: Police Generator: \$85,000, LED Lighting, \$65,000, Halon Suppression, \$30,000, Public Properties – School: Equipment: Shelving: \$35,000. **Discussion:** Capital Plan has been vetted by Department Heads, Jeff, Subcommittee and the Finance Committee. **VOTE: Unanimous**

8. Resolution 14-25: Appropriation Recreation – Spray Park

*Be It Moved and Voted by the Town Council that the sum of One Hundred Fifty thousand Dollars (\$150,000) be transferred/appropriated from Free Cash to fund a Recreation Spray Park at Fletcher Field. Clerk read the **MOTION, SECOND** by Jones. **Discussion:** Park built with a grant from the state for 75%, the town has to front the money. **Vote: Unanimous***

9. Resolution 14-22: Direction for Issuance of Request for Expressions of Interest for Town Property at 150 Emmons Street

*Directs the Town Administrator to cause a Request for Expressions of Interest be prepared and issued for Property with responses due no later than July 31, 2014. **MOVE** Resolution 14-22, Kelly, **SECOND** by Williams. **VOTE: Unanimous***

10. Bylaw Amendment 14-731: Amendment to Chapter 82, Appendix A, List of Service Fee Rates

<i>– 2nd Reading</i>	<i>Fee Using 65 Gallon Trash Cart</i>	<i>\$212.00</i>	<u><i>\$216.00</i></u>
	<i>Fee Using 35 Gallon Trash Cart</i>	<i>\$192.00</i>	<u><i>\$196.00</i></u>

MOVE** Bylaw Amendment 14-731, **SECOND**, Mercer. **Discussion:** \$4 rate to help with the budget. **Roll Call: Bissanti – Yes, Feldman – Yes, Dellorco – Yes, Kelly – Yes, Mercer – Yes, Padula – Yes, Pfeffer – Yes, Vallee – Yes, Williams – Yes VOTE: 9 – 0 – 0

11. Zoning Bylaw Amendment 14-733: Changes to 185-5, Zoning Map, changes from Commercial 1 to Downtown Commercial District in an Area on or Near Alpine Row-Referral to Planning Board

***MOTION** to **REFER** Zoning Bylaw Amendment 14-733 to the Planning Board, Kelly, **SECOND** – Padula. **Discussion:** Changes as a result of the Master Plan and Joint Workshop. Counselor Bissanti thinks C1 in Downtown is more user friendly. Councilor Pfeffer wanted to know why one parcel on Ruggles Street is staying C1. It is before planning board now. **VOTE: 8-2-0** Councilors Bissanti and Pfeffer voted against the referral.*

12. Zoning Bylaw Amendment 14-734: Changes to 185-5, Zoning Map, changes from Industrial to General Residential V District in an Area on or Near Josephine Street- Referral to Planning Board **MOTION to Refer Zoning Bylaw Amendment 14-734 to the Planning Board, Kelly, **SECOND**, Padula. **Discussion:** This just cleans up the map lines. 80% swamp except two house lots. Removes from Industrial and puts them in Residential. **VOTE: Unanimous****

K. TOWN ADMINISTRATOR’S REPORT - Earth Day is Saturday April 26, come out and volunteer. Annual Budget meetings will be April 30th and May 1, Wednesday and Thursday.

L. OLD BUSINESS – None **M. NEW BUSINESS - None**

N. COUNCIL COMMENTS – None **O. EXECUTIVE SESSION – None**

P. ADJOURN – MOTION to Adjourn 8:43 PM

Respectfully Submitted,

Maxine Kinhart



FRANKLIN TOWN COUNCIL

May 07, 2014

MINUTES

A meeting of the Town Council was held on Wednesday, May 7, 2014 at the Franklin Municipal Building, 355 East Central Street, Franklin, Massachusetts. Councilors present: Andrew Bissanti, Robert Dellorco, Brett Feldman, Matt Kelly, Tom Mercer, Peter Padula, Judith Pfeffer, Robert Vallee, Steve Williams. Administrative personnel in attendance: Jeff Nutting, Town Administrator; Maxine Kinhart, Assistant to the Town Administrator; Mark Cerel, Town Attorney

CALL TO ORDER: *Chairman Vallee called the meeting to order at 7:00 PM with a moment of silence and the Pledge of Allegiance.*

A. APPROVAL OF MINUTES – *There were no minutes.*

B. ANNOUNCEMENTS – *The meeting is recorded by Franklin TV and shown on Comcast channel 11 and Verizon channel 29. The meeting is recorded by Franklin Matters.*

C. PROCLAMATIONS/RECOGNITIONS - *None*

D. CITIZEN COMMENTS – *None*

E. APPOINTMENTS – *Disabilities Commission - The Franklin Disability Commission has recommended Martha Murray to serve as a member of the Commission, term to expire June 2016. MOTION to ratify the appointment by the Town Administrator of Martha Murray to serve as a member of the Franklin Disability Commission, Pfeffer, SECOND, Mercer. VOTE: Unanimous*

F. HEARINGS – *At 7:10 pm the Chair declared the Public Hearings open.*

- Zoning Bylaw Amendment 14-728-R: Industrial to Single-Family III** – *Motion to waive the Reading. SECOND by Mercer. VOTE: Unanimous. Discussion: this is a rezoning of 6 parcels of land on Washington Street west of 495. Zoning same as neighbors makes sense. Motion to close the public hearing, Kelly, SECOND, Mercer. VOTE: Unanimous.*
- Zoning Bylaw Amendment 14-732: Amendment to the Franklin Town Code at Chapter 185, Section 21. Parking, Loading, and driveway requirements.** – *MOTION to waive the Reading, SECOND by Mercer. VOTE: Unanimous. Discussion: This makes two changes. Currently have to have 400 ft. site distance for a driveway this proposes using ashdo standards that are based on the speed of the automobiles, Mass DOT standards. Also 150 between driveways if more than 20 spaces. Go to planning board instead of zoning board because you're already there. Streamlining process. MOTION to close hearing Kelly. SECOND Mercer. VOTE: Unanimous*

3. **Zoning Bylaw Amendment 14-733: Zoning Map changes from Commercial I to Downtown Commercial District in an Area on or Near Alpine Row – MOTION to waive the Reading, Kelly. SECOND, Mercer. Discussion:** As a result of the Master Plan process and the joint workshop of the Planning Board and the Town Council, this covers part of the MBTA parking lot and the Bullikan parking lot and the Right of Way – cleans up the map. MOTION to close the Hearing. Kelly. SECOND, Mercer. VOTE: Unanimous
4. **Zoning Bylaw Amendment 14-734: Zoning Map Changes from Industrial to General Residential V District in an Area on or Near Josephine Street – MOTION to waive the reading, Kelly, SECOND, Mercer. VOTE Unanimous. Discussion:** Again this is as a result of the Master Plan and the joint workshop. Five of the parcels are town swamp. Two homes will move from industrial to residential where they belong. MOTION to close the hearing, Kelly, SECOND, Mercer. VOTE: Unanimous.

G. LICENSE TRANSACTIONS - None

H. PRESENTATIONS/DISCUSSIONS –

Available Alcoholic Beverages (Package Store) Licenses - When the Town Administrator becomes aware of an available* license he/she shall: •Give notice to Town Council at the next Council meeting. •Advertise the availability of the license via the Town Web page and other appropriate means. The advertisement will state the date the applications must be submitted and the hearing date before the Town Council. •Council will make a determination whether a public need exists** based on a set of criteria which may include:

1. Proximity of existing establishments.
2. Will the license be used to enhance the economic development of a neighborhood?
3. Impact on neighborhood.
4. Is it near a school or place of worship?
5. Other?

*Available: either because census results in additional license or existing licensee surrenders license. **Council may determine that no public need exists, notwithstanding applicant(s).

► Councilor Kelly said that this is what he was looking for a process. He wants this to go forward and be something that they could vote on. This will be a Policy.

Karen Alves, Senior Center Director - Senior Center Update – Erin Rogers Senior Social Services Coordinator. Graduated from Quinnipiac with a degree in Gerontology. She became a Home Care Case Manager, protective services, investigating suspected cases of elder abuse. Senior Center Mission Statement Enhancing lives of older adults through programming and services within the center and throughout the community. 4400 residents 60 years and over based on 2010 census. UMASS Gerontology predicts 6,667 by 2020 and 9,217 by 2030. Average number of visitors to the senior center is 130 per day and there are 1200 active participants. Funding 54% Salaries, 22% Revolving Accounts, 12% State Grant, 8% Friends, 4% MHF. Membership breakdown is 30% male and 70% female. Ages 60, 70, 80. Center offers Nutrition, health and wellness, caregiver support, social service coordination, socialization and recreation, education, volunteer and intergenerational opportunities, tax work off programs and amenities. Center is a liaison with Gatra Bus Service. Common Grounds Café – Nutritious breakfast and lunch – for some this is their only freshly prepared meal. Center has a Health & Wellness Nurse and offers Health Clinics

including blood pressure, blood sugar, podiatry, flu vision & hearing. Center has a fall prevention clinic. Care Giver Support, the Center has the Sunshine Club, a Supportive Day Program and companion caregivers and caregivers support givers. Social Services include Legal clinic with elder law attorney, tax assistance, and social services coordinator. Recreation activities include bus trips, games, movies, special events. Educational activities include computer classes, tablets, phones, current events, and a new lecture series. Tax work off program is available. Volunteer opportunities are available. This year we had 144 volunteers and 11,190 volunteer hours. Amenities include Hairdresser, barber, manicure, Gift Shop, free medical equipment.

► Councilor Kelly asked Ms. Alves if she had enough Tax Work Off spots. Ms. Alves responded that at this time she did. ► Councilor Pfeffer stated that they are having breakfast at the Senior Center once a month and next Tuesday is one.

I. SUBCOMMITTEE REPORTS - None

J. LEGISLATION FOR ACTION

1. Resolution 14-32: Appropriation: Wachusett/Upper Union House Demolitions

*Purpose: To appropriate funds to demolish houses on Wachusett and Upper Union. Clerk read the **MOTION**. Be It **Moved** and **Voted** by the Town Council that the sum of Fifteen thousand dollars (\$15,000.00) be transferred from Account 01923903-580000 Beaver St Purchase/House Demolition (R 13-40), to the Wachusett/Upper Union – House Demolitions. **SECOND** by Jones. **Discussion:** We're going to take ownership of the house on Wachusett Street in the next 10 days or so and that will have to come down. There is an old shack and shed at 834 upper Union that will have to come down as well. If we need to come back we will. Councilor Padula announced he will recuse himself as he has a conflict. **VOTE: 8-0-1 Recuse***

2. Resolution 14-33: Appropriation: Recreation – Expenses

*Purpose: To appropriate from Free Cash to the Recreation 2014 Expense Budget. Clerk read the **MOTION**. Be It **Moved** and **Voted** by the Town Council that the sum of Seven thousand dollars (\$7,000.00) be transferred from Available Funds (Free Cash) to the FY 2014 Recreation Expenses- Programs 01630200-530910. **SECOND** by Kelly. **Discussion:** Recreation is self-supporting. Had more participation, bringing in extra \$30,000 which went into general fund so this is to cover expenses. **VOTE: Unanimous***

3. Resolution 14-34: Appropriation: Postage

*Purpose: To appropriate from Free Cash to the Central Services 2014 Expense Budget. Clerk read the **MOTION**. Be It **Moved** and **Voted** by the Town Council that the sum of Ten thousand dollars (\$10,000.00) be transferred from Available Funds (Free Cash) to the FY 2014 Central Services Expenses- Postage 01196200-534010. **SECOND** by Jones. **Discussion:** Postage went up, increased hearings, certified letters, etc. **VOTE: Unanimous***

4. Zoning Bylaw Amendment 14-728-R: Industrial to Single-Family III-1st Reading

***MOTION** to waive the reading by Kelly, **SECOND** by Mercer. **VOTE: Unanimous**
MOVE ZBL Amendment 14-728R to a Second Reading, Jones. **SECOND**, Mercer. **No Discussion. VOTE: Unanimous***

5. Zoning Bylaw Amendment 14-732: Amendment to the Franklin Town Code at Chapter 185, Section 21. Parking, Loading, and driveway requirements- 1st Reading

MOTION to waive the reading, Kelly. SECOND by Mercer. VOTE: Unanimous. MOVE ZBL Amendment 14-732 to a Second Reading, Jones. SECOND by Mercer. Councilor Padula noted that these Resolutions and Amendments are online should anyone wish to look at them when the readings have been waived and they have questions after the explanations. VOTE: Unanimous

6. Zoning Bylaw Amendment 14-733: Zoning Map changes from Commercial I to Downtown Commercial District in an Area on or Near Alpine Row-1st Reading
MOTION to waive the reading, Kelly. SECOND by Mercer. VOTE: Unanimous. MOVE ZBL Amendment 14-733 to a Second Reading, Jones. SECOND by Williams. Councilor Pfeffer does not feel it is fair that one parcel on Ruggles Street should stay Commercial One. Bryan Taberner said owner did not want to change. Councilor Bissanti spoke in favor of C1 zoning. Downtown Commercial has taken over C1 by requiring parking for residential. VOTE: Unanimous

7. Zoning Bylaw Amendment 14-734: Zoning Map Changes from Industrial to General Residential V District in an Area on or Near Josephine Street-1st Reading
MOTION to waive the reading, Kelly. SECOND by Mercer. VOTE: Unanimous. MOVE ZBL Amendment 14-734 to a Second Reading, Jones. SECOND by Williams. VOTE: Unanimous

8. Bylaw Amendment 14-735: Chapter, 25, Personnel Regulations, Appendix A & Appendix B-1st Reading – Withdrawn and Replaced by Resolution 14-35

9. Resolution 14-35: Compensation Plan – FY 2015
The Human Resources Director, pursuant to Chapter 25 of the Code of the Town of Franklin, has reviewed the Compensation Plan which establishes minimum and maximum salaries for pay ranges. Be it enacted by the Town Council of the Town of Franklin that the Compensation Plan is hereby adopted. MOVE Resolution 14-35, Jones. SECOND, Kelly. TA is recommending a 2% pay scale which is close to the CPI. VOTE: Unanimous

K. TOWN ADMINISTRATOR'S REPORT – *Thanked everyone who came out for Earth Day. Everyone could do better disposing of litter. Ribbon Cutting at DelCarte on June 4 at 5:00 pm. Need Executive Session.*

L. OLD BUSINESS – *Kelly – Lincoln Street seems to be at a halt – why? TA answered Contract out for Culvert repair before Winterberry St. Open bids for reconstruction of road and that should start within 30 days. Waiting for after school. When are we going to fill potholes? Send out two trucks a day.*

M. NEW BUSINESS – None

N. COUNCIL COMMENTS – *Memorial Day Parade the 26th at 10:30 AM. Feldman encourages citizens to look into Solarize Franklin, can contact the Planning Dept.*

O. EXECUTIVE SESSION – *MOTION by Vallee: that the Town Council needs to meet in Executive session for the purpose of discussing strategy with respect to collective bargaining with the Fire Fighters Union and I declare that an open meeting may have a detrimental*

effect on the bargaining position of the public body. The open session will not reconvene at the conclusion of the executive session.

*I **MOVE** that the Franklin Town Council go into executive session for the purpose to discuss strategy with respect to collective bargaining with the Fire Fighters Union, if an open meeting may have a detrimental effect on the bargaining position of the public body and the Chair so declares, and that the open session not reconvene at the conclusion of the executive session. – Pfeffer.*

P. ADJOURN – Open Session Adjourned at 8:16 pm.

Respectfully Submitted,

Maxine Kinhart



APPOINTMENT:

Cultural Council

The members of the Cultural Council have endorsed the appointment of Madison Weber and Teresa Burr to serve as members of the Council.

Madison Weber
169 Brook Street

Teresa M. Burr
27 Brushwood Hill

MOTION to ratify the appointments of Madison Weber and Teresa Burr by the Town Administrator to serve as Members of the Cultural Council.

DATED: _____, 2015

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Deborah L. Pellegri
Town Clerk

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council



TOWN OF FRANKLIN
BOARD/COMMITTEE VOLUNTEER FORM

If you are interested in volunteering by serving on a Town Board/Committee, please complete this form and return it to the Town Administrator's Office located at 355 East Central Street, Franklin MA. For inquiries call 508-520-4949.

Name: Madison Weber

Address: 169 Brook St Franklin ma 02038

Day Telephone: 508 446 1349

Evening Telephone:

List the Board/Committee (s) you are interested in:

cultural council

Present Business Affiliation and work:

Franklin Public Schools - Horace Mann

Franklin Art Center

Government Experience:

none

Education of Special Training:

- Framingham State University

- Art Education

Positions previously held in town government:

none

How much time would you be willing to donate:

What days of the week and hours would you be available:

~~any~~ not school hours

or wed/thurs 3:30-5:30

Comment on why you are interested in serving a particular committee and what you think you could contribute:

I would love to be able to help bring some artistic influence to the town.

Information received will be available to the Board and Committees that you list. To find out more about a Board/Committee click on link: [Boards & Committees](#)

Request For Committee Appointment

Cultural Council

Citizens Activity Record

If you are interested in serving the Town in any capacity, please fill out this form and submit to the Town Clerk's Office, 355 East Central Street, Franklin, MA 02038.

Information received will be available to all Town boards and officials, although the filling out of this form in no way assures appointment.

Name: Teresa M. Burr

Address: 27 Brushwood Hill, Franklin, MA

Evening Telephone: (508) 520-0007

Day Telephone: (508) 520-4900

Amount of Time Available: Interested In Following Town Committees:

couple of hours per week

Present Business Affiliation and Work:

Asst. Town Clerk

Government Experience:

none

Education or Special Training:

Administration

Positions Previously Held In Town Government (Committee Name and Dates):

None

Remarks:



BOARD OF ASSESSOR MEMBER VACANCY - JOINT APPOINTMENT

Due to a resignation of a member of the Board of Assessors, there will be a joint appointment by the Town Council and the remaining members of the Board of Assessors of a new member to complete the remainder of the term.

Donna Greenwood of 15 Summer Street has submitted her name and resume for consideration.

Upon Motion to appoint, made and seconded, the Council Clerk will call a joint Roll Call Vote.

DATED: _____, 2015

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Deborah L. Pellegri
Town Clerk

ABSTAIN _____

ABSENT _____

Judith Pond Pfeffer, Clerk
Franklin Town Council

I am forwarding my resume to you. This has not been updated since I started in Medway. I started in Medway on 12/4/2013 as the Principal Assessor. I am sure you understand this is a crazy time of the year with abatements etc. and I did not want to hold you up waiting for my resume. If you need references on my position here in Medway, please do not hesitate to call, Melanie Phillips the town treasurer/collector, Sue Ellis the HR director or Michael Boynton the Town Administrator.

I look forward to hearing from you.

Sincerely,

*Donna Greenwood MAA
Principal Assessor
Medway, Ma*

Donna Greenwood MAA

Education

Upper Cape Tech – Microsoft Excel

MAAO Workshops - Gateway, Short Sales and Foreclosures, Statewide Electronic Assessors Maps, Appeal Procedure, Green Construction, Measure and List, Personal Property, USASP, Exemptions, ATB workshop

MAAO Courses – 5, 4, 200, and 101

CPTC Workshops – The Zoning Act, Chapter 40A, Vested Rights and Non – Conforming Uses and structures

Massachusetts Association of Realtors Courses – USASP, Sales Comparison Approach, Course 4: Appraisal Report Writing, Cost and Income Approach

Quincy Junior – Appraising the Single Family Dwelling

American Society of Real Estate Appraisers – Appraisal Standards and Ethics

Bridgewater State College – Special Education

Experience

Assistant Assessor

Town of Plymouth

6/2012- 2013

11 Lincoln St

Plymouth, MA

Review residential, commercial and industrial sales in the field, sales verifications, and research on the internet and MLS. Review income and expense forms, and maintain databases. Review abatement applications and make recommendations. Assist in preparing for ATB cases. Review Forms of List and maintain databases. Work with ARC GIS to prepare an Abutters list. Meet with the public doing field inspections for building permits, sales and personal property collection. Assist the Assessor with various projects including Solar Farms and Affordable Housing. Review data entry on field inspections for accuracy and consistency.

Lister/Data Collector

Town of Plymouth

11 Lincoln St

Plymouth, MA 02360

1999 – 5/2012

Field work listing single family and multi-family dwellings, industrial and commercial properties, and personal property for tax purposes. Data entry of work listed and collected. Assist with field knowledge for analysis of neighborhoods and properties.

120 Longwater Dr.

Norwell, MA

Management of corporate inventory homes in US and Canada. Ordered and reviewed bids for repairs and improvements on vacant homes. Managed billing and auditing. Negotiated offers on inventory homes. Reviewed and signed sale contracts. Negotiated buyer's home inspections. Prepared monthly status reports for corporate clients.

Review Appraiser

VA Limited

1994 - 1996

120 Longwater Dr.

Norwell, MA

Reviewed relocation appraisals for corporations and FNMA appraisals for financing.

Fee Appraiser

Heritage Appraisal Services, Remis Associates, Inc., Dewitt, Duncan, and Decastro

1985 - 1995

Performed over 200 appraisals per year for financing, estate, investments, and purchase.

Asst. Branch Manager

Northeast Savings Bank

1983 - 1986

Quincy, MA

Assisted in daily operations. Opened new accounts. Processed personal and vehicle loans. Performed loan origination and mortgage underwriting for home loans.

- **Licensed Real Estate Salesperson**
- **Licensed Real Estate Appraiser**
- **MAA Designation #1127**

LICENSE TRANSACTIONS

**Acapulco's
13-25 Main Street**

Transaction #1

Applicant is requesting approval for New Officer/Directors. Officers and Directors are Jorge Moreno, Jesus Ruelas, and Yadira Gutierrez.

All departments have signed off on this transaction.

MOTION to approve the application by Avocado Inc. dba Acapulco's for Approval of New Officers/Directors.

DATED: _____, 2015

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

**Deborah L. Pellegrini
Town Clerk**

ABSTAIN _____

ABSENT _____

**Judith Pond Pfeffer, Clerk
Franklin Town Council**

Transaction #2

Applicant is requesting a Change of Manager from Jorge Moreno to Hilda Gutierrez.

All departments have signed off on this transaction.

MOTION to approve the application by Avocado Inc. dba Acapulco’s for approval of the new Manager, Hilda Gutierrez.

DATED: _____, 2015

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

**Deborah L. Pellegrini
Town Clerk**

ABSTAIN _____

ABSENT _____

**Judith Pond Pfeffer, Clerk
Franklin Town Council**



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

For Reconsideration

FORM 43
MUST BE SIGNED BY LOCAL LICENSING AUTHORITY

043000012

ABCC License Number

Franklin

City/Town

March 4, 2015

Local Approval Date

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> New License | <input checked="" type="checkbox"/> New Officer/Director | <input type="checkbox"/> Pledge of License | <input type="checkbox"/> Change Corporate Name |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Pledge of Stock | <input type="checkbox"/> Seasonal to Annual |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock | <input type="checkbox"/> Change of License Type |
| <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> Issuance of Stock | <input type="checkbox"/> New Stockholder | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License | <input type="checkbox"/> Management/Operating Agreement | <input type="checkbox"/> Wine & Malt to All Alcohol | |

Name of Licensee EIN of Licensee

D/B/A Manager

ADDRESS: CITY/TOWN: STATE: ZIP CODE:

Annual or Seasonal

Category: (All Alcohol- Wine & Malt Wine, Malt & Cordials)

Type: (Restaurant, Club, Package Store, General On Premises, Etc.)

Complete Description of Licensed Premises:

Family Restaurant and Tavern. Two entrances and three exits. Set capacity 122. Three dining areas and one bar area. Two rest rooms and kitchen area.

Application Filed: Date & Time
 Advertised: Date & Attach Publication
 Abutters Notified: Yes No

Contact Person for Transaction Phone:

ADDRESS: CITY/TOWN: STATE: ZIP CODE:

Remarks:

The Local Licensing Authorities
 By:

Alcoholic Beverages Control Commission
 Ralph Sacramone
 Executive Director

 Judith Pond Pfeffer
 Clerk, Franklin Town

ABCC Remarks: _____



Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street, First Floor
Boston, MA 02114

PETITION FOR TRANSFER OF OWNERSHIP, TRANSFER OF STOCK, NEW OFFICER(S),
DIRECTOR(S), STOCKHOLDER(S) AND LLC MANAGER(S)

043000012

ABCC License Number

Franklin

City/Town

The licensee A. Avocado, Inc. and the proposed transferee B. Avocado, Inc. respectfully petition the Licensing Authorities to approve the following transfer of ownership. Any Corporation, LLC or Association, Partnership, Individual, Sole Proprietor Listed in box (A.) must submit a certificate of good standing from the Massachusetts Department of Revenue (DOR).

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

Yes No If YES, please list the officers, directors and stockholders, their residences, and shares owned by each.

Name	Title	Address	Stock or % Owned
David Brambila	President & Treasurer	28 Reeves Street, Sudbury, MA	1/3
Jorge Moreno	Secretary/Director	18 Briarwood Lane, Marlboro, MA	1/3
Jesus Ruelas		80 Ellery Street, Wrentham, MA 02093	1/3

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

Yes No

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

Name	Title	Address	Stock or % Owned
* Jorge Moreno	Treasurer/Director	18 Briarwood Lane, Marlboro, MA	1/3
* Jesus Ruelas	President/Secretary/Director	80 Ellery Street, Wrentham, MA 02093	1/3
David Brambila		28 Reeves Street, Sudbury, MA	1/3
* Yadira Gutierrez	Director	80 Ellery Street, Wrentham, MA 02093	

The above named proposed transferee hereby joins in this petition for transfer of said license.

SIGNATURE OF LAST-APPROVED LICENSEE:

Jorge Moreno Estrella

(If a Corporation/LLC, by its authorized representative)

Date Signed

2/10/15

SIGNATURE OF PROPOSED TRANSFEREE:

Jorge Moreno Estrella

APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

City/Town

Franklin

1. LICENSEE INFORMATION:

A. Legal Name/Entity of Applicant:(Corporation, LLC or Individual) Avocado, Inc.

B. Business Name (if different) : Acapulco's

C. Manager of Record: Jorge Moreno

D. ABCC License Number (for existing licenses only) : 043000012

E. Address of Licensed Premises: 13-25 Main Street

City/Town: Franklin

State: MA

Zip: 02038

F. Business Phone: (508) 520-0696

G. Cell Phone:

H. Email: jesusracapulcos.net

I. Website:

J. Mailing address (if different from E.): n/a

City/Town:

State:

Zip:

2. TRANSACTION:

- New License 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
 Wine & Malt Beverages with Cordials/Liqueurs Permit

5. LICENSE CLASS:

- Annual Seasonal

6. CONTACT PERSON CONCERNING THIS APPLICATION (ATTORNEY IF APPLICABLE)

NAME: Nicholas A. Felici, Esq.
ADDRESS: 127 Cambridge Street
CITY/TOWN: Burlington STATE: MA ZIP CODE: 01803
CONTACT PHONE NUMBER: (781) 270-1150 FAX NUMBER: (781) 270-6878
EMAIL: nfelici@feinbergfelici.com

7. DESCRIPTION OF PREMISES:

Please provide a complete description of the premises to be licensed. Please note that this must be identical to the description on the Form 43.

Family restaurant located at Unit 3A to 13-25 Main Street, Franklin, containing two entrances and three exits.

Total Square Footage: 2,450 Number of Entrances: 2 Number of Exits: 3
Occupancy Number: 150 Seating Capacity: 120

IMPORTANT ATTACHMENTS (2): The applicant must attach a floor plan with dimensions and square footage for each floor & room.

8. OCCUPANCY OF PREMISES:

By what right does the applicant have possession and/or legal occupancy of the premises? Please select

IMPORTANT ATTACHMENTS (3): The applicant must submit a copy of the final lease or documents evidencing a legal right to occupy the premises. Other:

Landlord is a(n): Individual Other:

Name: Michael Morhanna Phone: (508) 528-7111

Address: 424 E. Central Street City/Town: Franklin State: MA Zip: 02038

Initial Lease Term: Beginning Date 01/01/2002 Ending Date 12/31/2006

Renewal Term: (2) 5 year renewals Options/Extensions at: 2 at 5 Years Each

Rent: \$42,000.00 Per Year Rent: \$3,500.00 Per Month

Do the terms of the lease or other arrangement require payments to the Landlord based on a percentage of the alcohol sales?
Yes No

IMPORTANT ATTACHMENTS (4):

- 1. If yes, the Landlord is deemed a person or entity with a financial or beneficial interest in this license. Each individual with an ownership interest with the Landlord must be disclosed in §10 and must submit a completed Personal Information Form attached to this application.
- 2. Entity formation documents for the Landlord entity must accompany the application to confirm the individuals disclosed.
- 3. If the principals of the applicant corporation or LLC have created a separate corporation or LLC to hold the real estate, the applicant must still provide a lease between the two entities.

9. LICENSE STRUCTURE:

The Applicant is a(n):

Corporation

Other :

If the applicant is a Corporation or LLC, complete the following:

Date of Incorporation/Organization:

01/01/2001

State of Incorporation/Organization:

Massachusetts

Is the Corporation publicly traded?

Yes No

10. INTERESTS IN THIS LICENSE:

List all individuals involved in the entity (e.g. corporate stockholders, directors, officers and LLC members and managers) and any person or entity with a direct or indirect, beneficial or financial interest in this license (e.g. landlord with a percentage rent based on alcohol sales).

IMPORTANT ATTACHMENTS (5):

A. All individuals or entities listed below are required to complete a Personal Information Form.

B. All shareholders, LLC members or other individuals with any ownership in this license must complete a CORI Release Form.

Name	All Titles and Positions	Specific # of Stock or % Owned	Other Beneficial Interest
Jesus Ruelas	President/Director/Secretary	One-Third	
Jorge Moreno	Treasurer & Director	One-Third	
David Brambila		One-Third	
Yadira Gutierrez	Director		

*If additional space is needed, please use last page.

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
Jesus Ruelas	§12 Restaurant	El Taco., Milford, MA
Jesus Ruelas	§12 Restaurant	Quatro Amigos, Inc., N. Grafton, MA
Jesus Ruelas	§12 Restaurant	Los Cuates, Inc., Northboro, MA
Jorge Moreno	§12 Restaurant	Enchilada, Inc., Sudbury, MA
David Brambila	§12 Restaurant	Enchilada, Inc., Sudbury, MA
Jorge Moreno	§12 Restaurant	Fresh Tomatoes, Inc., Quincy, MA
David Brambila	§12 Restaurant	Fresh Tomatoes, Inc., Quincy, MA

*If additional space is needed, please use last page.

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 No If yes, list said interest below:

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

13. DISCLOSURE OF LICENSE DISCIPLINARY 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

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):

- 1.. Are all Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes No

15. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR (§12) RESTAURANT, HOTEL, CLUB, GENERAL ON PREMISE, TAVERN, VETERANS CLUB LICENSE ONLY:

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):

- 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 TRANSACTION:

A. Purchase Price for Real Property:

B. Purchase Price for Business Assets:

C. Costs of Renovations/Construction:

D. Initial Start-Up Costs:

E. Purchase Price for Inventory:

F. Other: (Specify)

G: TOTAL COST

H. TOTAL CASH

I. TOTAL AMOUNT FINANCED

IMPORTANT ATTACHMENTS (6): Submit any and all records, documents and affidavits including loan agreements that explain the source(s) of money for this transaction. Sources of cash must include a minimum of three (3) months of bank statements.

The amounts listed in subsections (H) and (I) must total the amount reflected in (G).

17. PROVIDE A DETAILED EXPLANATION OF THE FORM(S) AND SOURCE(S) OF FUNDING FOR THE COSTS IDENTIFIED ABOVE (INCLUDE LOANS, MORTGAGES, LINES OF CREDIT, NOTES, PERSONAL FUNDS, GIFTS):

n/a

*If additional space is needed, please use last page.

18. LIST EACH LENDER AND LOAN AMOUNT(S) FROM WHICH "TOTAL AMOUNT FINANCED" NOTED IN SUB-SECTIONS 16(I) WILL DERIVE:

A.

Name	Dollar Amount	Type of Financing

*If additional space is needed, please use last page.

B. Does any individual or entity listed in §19 as a source of financing have a direct or indirect, beneficial or financial interest in this license or any other license(s) granted under Chapter 138? Yes No

If yes, please describe:

19. PLEDGE: (i.e. COLLATERAL FOR A LOAN)

A.) Is the applicant seeking approval to pledge the license? Yes No

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? Yes No

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

21. ANTICIPATED OPENING DATE:

**IF ALL OF THE INFORMATION AND
ATTACHMENTS ARE NOT COMPLETE
THE APPLICATION WILL BE
RETURNED**

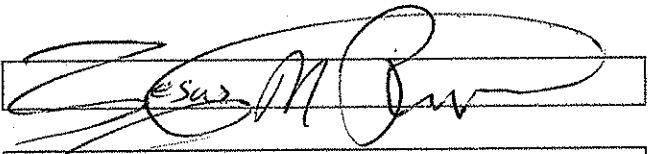
APPLICANT'S STATEMENT

I, Jesus Ruelas the sole proprietor; partner; corporate principal; LLC/LLP member

of 80 Ellery St., Wrentham, MA, hereby submit this application for Change of Manager (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: 
Title: President

Date: 1/13/15



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	Avocado, Inc.	B. Business Name (dba)	Acapolcos	
C. Address	13-25 Main Street		D. ABCC License Number (If existing licensee)	043000012
E. City/Town	Franklin	State	MA	Zip Code 02078
F. Phone Number of Premise		G. EIN of License		

2. PERSONAL INFORMATION:

A. Individual Name	Jorge Moreno	B. Home Phone Number	(978) 443-3720	
C. Address	18 Briarwood Lane			
D. City/Town	Marlboro	State	MA	Zip Code
E. Social Security Number		F. Date of Birth		
G. Place of Employment	Acapulco's Restaurant			

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.

I own a one-third interest in the stock of the Corporation.

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

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature	Jorge Moreno Estrella	Date	1/13/15
Title	Treasurer	(If Corporation/LLC Representative)	



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	Avocado, Inc.	B. Business Name (dba)	Acapulcos	
C. Address	15 Main Street	D. ABCC License Number (if existing licensee)	043000012	
E. City/Town	Franklin	State	MA	Zip Code 02038
F. Phone Number of Premise	(508) 520-0696	G. EIN of License		

2. PERSONAL INFORMATION:

A. Individual Name	Jesus Manuel Ruelas	B. Home Phone Number	(508) 498-6296	
C. Address	80 Ellery Street			
D. City/Town	Wrentham	State	MA	Zip Code 02093
E. Social Security Number		F. Date of Birth		
G. Place of Employment	Acapulcos			

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.

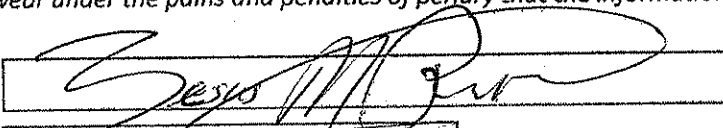
4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

One-third ownership in the stock of the Corporation.

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

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

Title (If Corporation/LLC Representative)



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	Avocado, Inc.	B. Business Name (dba)	Acapolcos	
C. Address	13-25 Main Street	D. ABCC License Number (if existing licensee)	043000012	
E. City/Town	Franklin	State	MA	Zip Code 02078
F. Phone Number of Premise		G. EIN of License		

2. PERSONAL INFORMATION:

A. Individual Name	David Brambila	B. Home Phone Number	(978) 580-4393	
C. Address	28 Reeves Street			
D. City/Town	Sudbury	State	MA	Zip Code
E. Social Security Number		F. Date of Birth		
G. Place of Employment	Acapulco's Restaurant			

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.

I own a one-third interest in the stock of the Corporation

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

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature David Brambila Date 1/14/15

Title Stockholder (If Corporation/LLC Representative)



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	Avocado, Inc.	B. Business Name (dba)	Acapulco's	
C. Address	15 Main Street	D. ABCC License Number (If existing licensee)	043000012	
E. City/Town	Franklin	State	MA	Zip Code 02038
F. Phone Number of Premise	(508) 520-0696	G. EIN of License		

2. PERSONAL INFORMATION:

A. Individual Name	Yadira Guterrez	B. Home Phone Number	(209) 988-9113	
C. Address	80 Ellery Street			
D. City/Town	Wrentham	State	MA	Zip Code 02093
E. Social Security Number		F. Date of Birth		
G. Place of Employment	Acapulco's			

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.

None

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

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature	<i>Yadira Guterrez</i>	Date	2/10/15
Title	Director	(If Corporation/LLC Representative)	



The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the
Commonwealth

Date: January 13, 2015

To Whom It May Concern :

I hereby certify that according to the records of this office,

AVOCADO, INC.

is a domestic corporation organized on **October 26, 2001** , under the General Laws of the Commonwealth of Massachusetts. I further certify that there are no proceedings presently pending under the Massachusetts General Laws Chapter 156D section 14.21 for said corporation's dissolution; that articles of dissolution have not been filed by said corporation; that, said corporation has filed all annual reports, and paid all fees with respect to such reports, and so far as appears of record said corporation has legal existence and is in good standing with this office.



In testimony of which,
I have hereunto affixed the
Great Seal of the Commonwealth
on the date first above written.

William Francis Galvin

Secretary of the Commonwealth

Certificate Number: 15011253150

Verify this Certificate at: <http://corp.sec.state.ma.us/CorpWeb/Certificates/Verify.aspx>

Processed by: smc

D
PC

The Commonwealth of Massachusetts

William Francis Galvin

Secretary of the Commonwealth

One Ashburton Place, Boston, Massachusetts 02108-1512

FORM MUST BE TYPED

Statement of Change of Supplemental Information Contained in Article VIII of Articles of Organization

FORM MUST BE TYPED

(General Laws Chapter 156D, Section 2.02 and Section 8.45; 950 CMR 113.17)

(1) Exact name of the corporation: Avocado, Inc.

(2) Current registered office address: 15 Main Street, Franklin, MA 02038
(number, street, city or town, state, zip code)

(3) The following supplemental information has changed:

(check appropriate box)

- Names and addresses of the directors, president, treasurer and secretary (an address need not be specified if the business address of the officer or director is the same as the principal office location):

President: Jesus Ruelas 80 Ellery Street Wrentham, MA 02093

Treasurer: Jorge Moreno Briarwood Lane, No.18 Marlboro, MA

Secretary: Jesus Ruelas 80 Ellery Street Wrentham, MA 02093

Director(s): Jesus Ruelas, 80 Ellery St., Wrentham, MA & Jorge Moreno, Briarwood Lane, No. 18, Marlboro, MA,
Yadira Gutierrez, 80 Ellery St., Wrentham, MA 02093

- Fiscal year end: December 31
(month, day)

- Principal office address: 15 Main Street, Franklin, MA 02038
(number, street, city or town, state, zip code)

- Type of business in which the corporation intends to engage:

Restaurant

- Other:

This certificate is effective at the time and on the date approved by the Division, unless a later effective date not more than 90 days from the date of filing is specified: _____

Signed by: Jorge Moreno Estrella
(signature of authorized individual)

- Chairman of the board of directors,
- President,
- Other officer,
- Court-appointed fiduciary.

on this 13th day of January, 2015

COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 02108-1512

**Statement of Change of Supplemental
Information Contained in Article
VIII of Articles of Organization
(General Laws Chapter 156D, Section 2.02 and
Section 8.45; 950 CMR 113.17)**

I hereby certify that upon examination of this statement of change, duly submitted to me, it appears that the provisions of the General Laws relative thereto have been complied with, and I hereby approve said statement; and the filing fee in the amount of \$ _____
having been paid, said articles are deemed to have been filed with me this _____ day of _____, 20_____, at _____ a.m./p.m.
_____ time

Effective date: _____
(must be within 90 days of date submitted)

Examiner

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

Filing fee; \$25 for paper or fax filing.
No Fee if filed electronically.

TO BE FILLED IN BY CORPORATION
Contact Information:

Nicholas A. Felici, Esq.

Feinberg & Felici, 127 Cambridge Street

Burlington, MA 01803

Telephone: 781-270-1150

Email: nfelici@feinbergfelici.com

Upon filing, a copy of this filing will be available at www.sec.state.ma.us/cor.
If the document is rejected, a copy of the rejection sheet and rejected document will be available in the rejected queue.

CORPORATE VOTE


I, the undersigned, Secretary of Avocado, Inc., d/b/a Acapulco's (hereinafter the "Corporation"), hereby certify to the Town of Franklin and the Alcoholic Beverage Control Commission that the following Votes were adopted prior to the date hereof by the unanimous written consent of the Board of Directors and the Shareholders of the Corporation, a copy of which Votes are included with the records of the Corporation, namely:

- VOTED: That the President and Treasurer has authority to petition the Town of Franklin and the ABCC for a Change of the Corporation's Officers and Directors and to petition the Town of Franklin and the ABCC for a Change of Manager of Record on the current liquor license.
- VOTED: That the President and Treasurer has the authority to appoint and is hereby directed to appoint Hilda Gutierrez as the Manager of the Restaurant.
- VOTED: That the President and Treasurer has the authority to apply for a transfer of all licenses associated with the Restaurant, including but not limited to liquor license, entertainment license and common victualers license.
- VOTED: That the Secretary is hereby authorized and directed to certify to the said Town of Franklin and Alcoholic Beverage Control Commission the foregoing votes, and to further certify that the provisions thereof are in conformity with the Articles of Organization and the By-Laws of this Corporation, and to further certify that the foregoing votes have not been altered, amended or rescinded, and are now in full force and effect and that the following are the duly elected officers of the Corporation authorized to act in accordance with the foregoing Votes upon approval:

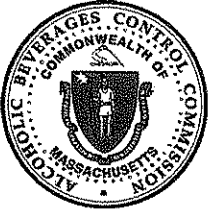
Jesus Ruelas – President and Secretary

Jorge Moreno - Treasurer

Witness the hand and seal of the Corporation this 12th day of January 2015.


Jesus Ruelas, Secretary

TRANSACTION #2



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

For Reconsideration

FORM 43
MUST BE SIGNED BY LOCAL LICENSING AUTHORITY

043000012
 ABCC License Number

Franklin
 City/Town

March 4, 2015
 Local Approval Date

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> New License | <input checked="" type="checkbox"/> New Officer/Director | <input type="checkbox"/> Pledge of License | <input type="checkbox"/> Change Corporate Name |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Pledge of Stock | <input type="checkbox"/> Seasonal to Annual |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock | <input type="checkbox"/> Change of License Type |
| <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> Issuance of Stock | <input type="checkbox"/> New Stockholder | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License | <input type="checkbox"/> Management/Operating Agreement | <input type="checkbox"/> Wine & Malt to All Alcohol | |

Name of Licensee: EIN of Licensee:

D/B/A: Manager:

ADDRESS: CITY/TOWN: STATE: ZIP CODE:

Annual or Seasonal Category: (All Alcohol- Wine & Malt Wine, Malt & Cordials) Type: (Restaurant, Club, Package Store, General On Premises, Etc.)

Complete Description of Licensed Premises:

Application Filed: Date & Time Advertised: Date & Attach Publication Abutters Notified: Yes No

Contact Person for Transaction: Phone:

ADDRESS: CITY/TOWN: STATE: ZIP CODE:

Remarks:

The Local Licensing Authorities
 By: _____

 Judith Pond Pfeffer
 Clerk, Franklin Town

Alcoholic Beverages Control Commission
 Ralph Sacramone
 Executive Director

ABCC Remarks: _____



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

MANAGER APPLICATION

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

1. LICENSEE INFORMATION:

Legal Name of Licensee: Business Name (dba):

Address:

City/Town: State: Zip Code:

ABCC License Number: Phone Number of Premise:
 (If existing licensee)

2. MANAGER INFORMATION:

A. Name: B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises:

3. CITIZENSHIP INFORMATION:

A. Are you a U.S. Citizen: Yes No B. Date of Naturalization: C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as U.S. Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

4. BACKGROUND INFORMATION:

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes No

If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes No

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 employment for the past ten years (Dates, Position, Employer, Address and Telephone):

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

Additional Space

Please note which question you are using this space for.

D. Taqueria Carolina, 901 Carpenter Road, Modesto, CA 95358 (209) 526-3171, 06/02 - 08/11; waitress



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	Avocado, Inc.	B. Business Name (dba)	Acapulco's	
C. Address	15 Main Street	D. ABCC License Number (If existing licensee)	043000012	
E. City/Town	Franklin	State	MA	Zip Code 02038
F. Phone Number of Premise	(508) 520-0696	G. EIN of License		

2. PERSONAL INFORMATION:

A. Individual Name	Hilda Gutierrez	B. Home Phone Number	(209) 988-9113	
C. Address	80 Ellery Street			
D. City/Town	Wrentham	State	MA	Zip Code 02093
E. Social Security Number	627-10-4066	F. Date of Birth	10/27/1968	
G. Place of Employment	Acapulco's			

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.

None

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

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature Hilda Gutierrez Date 1/15/15

Title Manager (If Corporation/LLC Representative)

CORPORATE VOTE

I, the undersigned, Secretary of Avocado, Inc., d/b/a Acapulco's (hereinafter the "Corporation"), hereby certify to the Town of Franklin and the Alcoholic Beverage Control Commission that the following Votes were adopted prior to the date hereof by the unanimous written consent of the Board of Directors and the Shareholders of the Corporation, a copy of which Votes are included with the records of the Corporation, namely:

VOTED: That the President and Treasurer has authority to petition the Town of Franklin and the ABCC for a Change of the Corporation's Officers and Directors and to petition the Town of Franklin and the ABCC for a Change of Manager of Record on the current liquor license.

VOTED: That the President and Treasurer has the authority to appoint and is hereby directed to appoint Hilda Gutierrez as the Manager of the Restaurant.

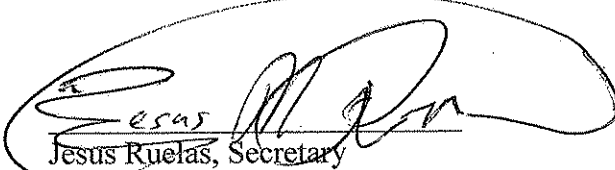
VOTED: That the President and Treasurer has the authority to apply for a transfer of all licenses associated with the Restaurant, including but not limited to liquor license, entertainment license and common victualers license.

VOTED: That the Secretary is hereby authorized and directed to certify to the said Town of Franklin and Alcoholic Beverage Control Commission the foregoing votes, and to further certify that the provisions thereof are in conformity with the Articles of Organization and the By-Laws of this Corporation, and to further certify that the foregoing votes have not been altered, amended or rescinded, and are now in full force and effect and that the following are the duly elected officers of the Corporation authorized to act in accordance with the foregoing Votes upon approval:

Jesus Ruelas – President and Secretary

Jorge Moreno - Treasurer

Witness the hand and seal of the Corporation this 12th day of January 2015.



Jesus Ruelas, Secretary