

License Transactions:

New Section 12 All Alcoholic Beverages License



Applicant: Dean College

The applicant is seeking a New Section 12 All Alcoholic Beverages License, to be located at 135 Emmons Street, Franklin, MA 02038. The License Manager will be Kenneth F. Corkran.

All departments have signed off on this application.

MOTION to approve the request by Dean College for a New Section 12 All Alcoholic Beverages License and to approve the manager, Kenneth F. Corkran.

DATED:

VOTED:

UNANIMOUS: _____

YES: _____ **NO:** _____

A True Record Attest:

ABSTAIN: _____

ABSENT: _____

RECUSED: _____

Nancy Danello, CMC
Temporary Town Clerk

Glenn Jones, Clerk
Franklin Town Council

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

July 16, 2021

To: Town Council
From: Jamie Hellen, Town Administrator
Alecia Alleyne, Assistant to the Town Administrator

RE: Dean College Liquor License reconsideration

Dean College came before the Council at the April 15, 2020 and May 6, 2020 meetings for a New Section 12 All Alcoholic Beverages Liquor License. At the conclusion of the hearing, this license was denied with a 4-4 tie vote, which is not the required amount of votes needed to pass. Subsequently, Dean College appealed this decision with the state Alcohol Beverages Control Commission (ABCC) in May of 2020. A hearing was conducted with the ABCC on November 4, 2020.

After the appeal, the ABCC determined that there was no legally valid reason for this license to be denied by the local board. See attached ABCC decision, July 2021. They recommend approval and have requested the Town Council approve the license.

As requested by the state ABCC, the license application is in front of the Council for reconsideration. The vote before you tonight will be to approve or deny the application from Dean College for a New Section 12 All Alcoholic Beverages License to be located at 135 Emmons Street, Franklin, MA.

The license before the Council does still include the three (3) conditions outlined by the Council and the proponent:

1. Sale/Service of alcoholic beverages only to Dean College faculty, staff, alumni, students and their guests and other authorized individuals;
2. Sale/Service of alcoholic beverages limited to the following areas: Boomers, Golder Room, Guidrey Center, Atrium, Dining Center, Mainstage and the Campus Center Concourse; and
3. Sale/Service of alcoholic beverages at no more than three (3) events at the same time.

To date, the Town has spent \$2,012.50 for outside Counsel to represent the community throughout the appeal process.

If you have any additional questions please feel free to let me know.



RICHARD B. WEITZEN*
PAMELA B. BANKERT, PC*
IRA H. ZALEZNIK
VALERIE L. PAWSON, LLC
GEORGE F. HAILER, PC*
KENNETH B. GOULD
GEORGE E. CHRISTODOULOU, PC
DAVID A. RICH, LLC*
PATRICIA L. FARNSWORTH
K. SCOTT GRIGGS***
STEVEN M. BUCKLEY
KENNETH B. SKELLY***
GLENN P. FRANK*
J. MARK DICKISON**
SCOTT P. LOPEZ
JEFFREY P. ALLEN
DARLY G. DAVID
MARIA GALVAGNA MESINGER
JONATHAN P. ASH
LINDA A. OUELLETTE
JOSHUA M. D. SEGAL*
LAUREN J. WEITZEN
JOHN R. BAUER
RYAN A. CIPORKIN
KARA E. LEARY
RACHEL C. HODGMAN
DONALD J. GENTILE*

MICHAEL WILLIAMS
KRISTINA A. ENGBERG
PETER A. GRUPP
RACHEL A. MORANDI*
KENNETH P. PROCACCINI**
BRENDAN P. SLEAN
NAVEED CHERAGHCHI
AMANDA ABELMANN**
MOLLY M. CARROLL

* ALSO ADMITTED IN NY
** ALSO ADMITTED IN NH
*** ONLY ADMITTED IN PA
* ALSO ADMITTED IN DC
** ALSO ADMITTED IN RI
*** ALSO ADMITTED IN RI, CT, NH

Direct Dial:
E-Mail:

April 29, 2020

VIA: EMAIL DELIVERY
Franklin Town Council
Tom Mercer, Chairman
Robert Dellorco, Vice Chairman
Glenn Jones, Clerk
Matthew Kelly
Deborah Pellegrini
Eamon McCarthy Earls
Melanie Hamblen
Andrew Bissanti
Brian Chandler

Town Administrator's Office
Municipal Building, 3rd Floor
355 East Central Street
Franklin, MA 02038
ATTN: Chrissy Whelton

Re: *Application for Section 12 All Alcoholic Beverages License*
Dean College
99 Main Street, Franklin

Dear Mr. Chairman and Members:

In anticipation of the public hearing continued from April 15, 2020 to May 6, 2020 on the application of Dean College for a new all alcoholic beverages on-premises license to operate at the Campus Center located at 99 Main Street, Franklin, my client proposes the following as Conditions on the License for the Campus Center:

- (i) Sale/Service of alcoholic beverages only to Dean College faculty, staff, alumni, students and their guests and other authorized individuals.
- (ii) Sale/Service of alcoholic beverages limited to the following areas: Boomers, Golder Room, Guidrey Center, Atrium, Dining Center, Mainstage and the Campus Center Concourse.



(iii) Sale/Service of alcoholic beverages at no more than three (3) events at the same time.

We have endeavored to address the concerns raised at the April 15th hearing and appreciate your consideration of the above.

Should you have any questions or require additional clarification on this matter, please contact me at _____ or _____.

Thank you for your assistance.

Very truly yours,



Patricia Lang Farnsworth

encl.

cc: Jamie Hellen, CEO/Town Administrator
Mark G. Cerel, Esq., Town Attorney
client



LAWSON & WEITZEN

RICHARD B. WEITZEN*
PAMELA B. BANKERT, PC*
IRA H. ZALEZNIK
VALERIE L. PAWSON, LLC
GEORGE F. HAILER, PC*
KENNETH B. GOULD
GEORGE E. CHRISTODOULOU, PC
DAVID A. RICH, LLC*
PATRICIA L. FARNSWORTH
K. SCOTT GRIGGS***
STEVEN M. BUCKLEY
KENNETH B. SKELLY***
GLENN P. FRANK*
J. MARK DICKISON**
IRVING SALLOWAY
SCOTT P. LOPEZ
JEFFREY P. ALLEN
DARLY G. DAVID
MARIA GALVAGNA MESINGER
JONATHAN P. ASH
LINDA A. OUELLETTE
JOSHUA M. D. SEGAL*
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PETER A. GRUPP
RACHEL A. MORANDI*
KENNETH P. PROCACCINI**
BRENDAN P. SLEAN
LAURA S. SAWYER
AMANDA ABELMANN**
JOSHUA L. SPEICHER
MOLLY M. CARROLL
LAUREN A. ROMANO

* ALSO ADMITTED IN NY
** ALSO ADMITTED IN NH
*** ONLY ADMITTED IN PA
* ALSO ADMITTED IN DC
** ALSO ADMITTED IN RI
*** ALSO ADMITTED IN RI, CT, NH

Direct Dial: 617-603-3732
E-Mail: TFarnsworth@Lawson-Weitzen.Com

March 11, 2020

Town Administrator's Office
Municipal Building, 3rd Floor
355 East Central Street
Franklin, MA 02038
ATTN: Chrissy Whelton

*Re: Application for Section 12 All Alcoholic Beverages License
Dean College
135 Emmons Street, Franklin*

Dear Ms. Whelton:

My client, Dean College, a not for profit Massachusetts corporation, seeks to obtain a new all alcoholic beverages on-premises license to operate at the Campus Center located at 99 Main Street, Franklin. Dean College has a Management Agreement with Sedexo Management, Inc., an international food services and facilities management company.

Accordingly, enclosed please find the following application documents:

1. ABCC Monetary Transmittal Form with proof of \$200 payment to the ABCC;
2. Application for a new Retail Alcoholic Beverage License;
3. Applicant's Statement;
4. CORI Request Form for Kenneth F. Corkran, the proposed manager on the alcohol license, with copy of his MA driver's license;
5. Copy of Birth Certificate for Kenneth F. Corkran to show proof of US citizenship;
6. Resume of Kenneth F. Corkran;
7. Corporate Vote;
8. Articles of Organization of Dean College;

Chrissy Welton
March 11, 2020
Page 2



9. Amendments to Articles of Organization;
10. Alcoholic Beverages Management Services Agreement between Dean College and Sodexo Management, Inc.;
11. Campus Map showing location of Campus Center;
12. Floor Plans;
13. Occupancy Permit;
14. Common Victualer Application;
15. Workers' Compensation Insurance Affidavit;
16. Workers Compensation and Employers Liability Insurance Policy Information Page;
and
17. Certificate of Compliance with State Laws.

Please place this matter on the agenda for hearing of the Franklin Town Council and let me know the date. Please also let me know when to place the legal advertisement with the *Milford Daily News*.

Should you have any questions or require additional clarification on this matter, please contact me at

Thank you for your assistance.

Very truly yours,

Patricia Lang Farnsworth

encl.

cc: client



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM

APPLICATION FOR A NEW LICENSE

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME Dean College

ADDRESS 135 Emmons Street

CITY/TOWN Franklin

STATE MA

ZIP CODE 02038

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input checked="" type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | <input type="checkbox"/> Other | | <input type="checkbox"/> Change of DBA |

**THE LOCAL LICENSING AUTHORITY MUST MAIL THIS
TRANSMITTAL FORM ALONG WITH
COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:**

Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR A NEW LICENSE

Municipality

Franklin

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES

On-Premises-12

TYPE

\$12 Restaurant

CATEGORY

All Alcoholic Beverages

CLASS

Annual

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Dean College is a non-profit MGL 180 educational institution which seeks to obtain an on-premises license for the Campus Center. Floor Plans attached. The food and beverage services are managed by Sodexo Management, Inc.

Is this license application pursuant to special legislation?



Yes



No

Chapter

Acts of

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name

Dean College

FEIN

DBA

Manager of Record

Kenneth F. Corkran

Street Address

135 Emmons Street Franklin MA 02038

Phone

Email

Alternative Phone

Website

www.dean.edu

3. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

The Campus Center is a multi level student center, containing a total of 118,420 sq.ft of which 28,278 sq ft is Performance Dining and 3,638 sq ft is Boomers, a pub located in the lower level.

Total Square Footage: 118,420

Number of Entrances:

Seating Capacity:

Number of Floors

3

Number of Exits:

Occupancy Number:

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name:

Trish Farnsworth, Esq.

Phone:

617.439.4990

Title:

Attorney

Email:

tfarnsworth@lawson-weitzen.com

Town of Franklin

355 East Central Street
Franklin, MA 02038



COMMON VICTUALER APPLICATION (Select all that apply)
NEW/ANNUAL FEE: ☒ \$2,500 ALL ALCOHOL, ☐ \$1,500 WINE & MALT,
☐ \$500 LICENSE MODIFICATION (Changes to Alcohol Licenses)
☐ \$125: RESTAURANT

Date: 1/9/2020

Business Owner: _____
First Middle Initial Last

Address: _____ Telephone #: _____
Town/City zip

Email Address: _____

Name of Business: Dean College

Business Location: Street Franklin MA 02038 Telephone #: _____

Corporation Name: (If applicable) Dean College

Address: _____ FID # _____
Franklin 02038
Town/City zip

Manager Name: Kenneth F. Corkran
Middle Initial Last

Address: _____

Date of Birth: _____ Social Security Number: _____

Enclose Manager Resume that includes duties performed at each location.

Description of premises:

Campus Center

Sq. Footage 118,420 # of Tables _____ # of Seats _____ Type of Restaurant _____

Hours of Operation: _____
I hereby state that all information provided on this application is true and accurate.

Applicant signature: _____
Common Victualer Licenses are issued in conformity with the authority granted by General Laws, Chapter 140 and amendments thereto. All licenses expire December 31 of each year.



The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
600 Washington Street
Boston, MA 02111
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses

Please Print Legibly

Applicant Information:

Business/Organization Name: Dean College

Address: _____

City/State/Zip: Franklin MA 02038

Phone #: _____

Are you an employer? Check the appropriate box:

1. ☒ I am an employer with 356 employees (full and/or part-time).*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity.
[No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. ☐ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☒ Other Education

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.
**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: HUB INTERNATIONAL NORTHEAST

Insurer's Address: 480 NORRITOWN RD. SECOND FLOOR

City/State/Zip: BLUE BELL, PA 19422

Policy # or Self-ins. Lic. # _____

Expiration Date: 01/01/2021

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: [Signature] Date: 11/29/20

Phone #: 322

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
6. Other _____

Contact Person: _____

Phone #: _____



CERTIFICATE OF COMPLIANCE WITH STATE LAWS

Pursuant to M.G.L Chapter 62C, Sec 49A, and M.G.L. Ch. 151A, Section 19A, the undersigned acting on behalf on the License Holder, certifies under the penalty of perjury that, to the best of the undersign's knowledge and belief, the License Holder is in compliance with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support*.

Dean College

** Signature of Individual or Corporate License Holder (Mandatory)

*** License Holder's Social Security Number/or Federal Identification Number

By: [Signature]
Corporate Officer
(Mandatory, if applicable)

Date: 1/29/20

*The provision in the Attestation of relating to child support applies only when the License Holder is an individual.

**Approval of or a renewal of a license will not be granted unless this certification clause is signed by the applicant. For all corporations, a certified copy of the vote of the Board of Directors must be provided.

*** Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a license or other agreement issued, renewed or extended. This request is made under the authority of Massachusetts General Laws, Chapter 62C, section 49A.

Kenneth F. Corkran

PROFESSIONAL EXPERIENCE

1996 to Present **DEAN COLLEGE, Franklin, Massachusetts**
Director of Public Safety & Risk Management / Director of Law Enforcement Services & Risk Management

Key Public Safety Responsibilities

- Coordinated the safety and security of 2000 community members and implemented, evaluated and maintained all security programs and systems
- Served as campus Crisis Manager during incidents including student death, residence hall fire and flood
- Supervised over 20 sworn police officers and shuttle service drivers
- Complied annual federal, state, and campus comprehensive crime statistics reports including those in compliance with *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*
- Oversaw the planning/approving expenditures for a 950K budget and secured multiple federal grants
- Maintained regular communication with state and local law enforcement agencies, Metro-LEC SWAT and Massachusetts Bay Transit Authority
- Developed safety and crisis response training, videos, and presentations for campus community

Key Risk Management Responsibilities

- Handled yearly insurance renewals for all college policies, including coordinating all bid processes as necessary (over \$25 million in campus coverage)
- Assisted with review of all college vendor contracts, performed quarterly risk assessment inspections for campus policies (e.g. property, liability)
- Provided risk assessment training presentations to college groups traveling domestically and internationally

Major Accomplishments & Awards

- Co-wrote and directed educational podcasts for crisis response training
- Maintained status as Special Police Officer – Chapter 22 Section 63 of the Massachusetts State Police
- Fully integrated Securitas security systems company officers and Dean officers into one cohesive department
- Received two loss-control merit-based awards for college from Hartford Insurance Company
- Coordinated College Emergency Impact Plan for responding to all campus and local crises
- Developed campus-wide Disaster Management Response Plan
- Secured \$250K Community Oriented Policing Services (COPS) federal grant
- Implemented Campus Watch Program (featured in *Campus Law Enforcement Journal* - Jan/Feb 2001)
- Successfully attained a more “approachable” department image through implementation of walking and mountain bike patrols, re-staffing to capitalize on individual strengths and to improve job effectiveness, re-training of staff to focus on customer service
- Developed and implemented a policy and procedures manual for Public Safety Department
- Developed a Workplace/School Violence plan for campus-wide implementation
- 2006 Bess Walsh Employee of the Year Award – Dean College

1984 to **MOUNT IDA COLLEGE, Newton Centre, Massachusetts**
1995 *Chief of Campus Police (1992-1995)*

- Coordinated the safety and security of 2500 students, faculty and staff, and supervised 25-30 security personnel
- Responsible for overseeing a \$400K budget
- Implemented, evaluated and maintained all security programs and systems
- Compiled annual comprehensive crime statistics report in compliance with federal law
- Acted in a liaison capacity with federal, state and local officials during investigations
- Developed and implemented a policy and procedures manual for the Campus Police Department
- Received four merit-based positions to Chief (Security Officer, Police Officer, Corporal, Sergeant)

TEACHING EXPERIENCE

2003 to **DEAN COLLEGE, Franklin, Massachusetts**
Present Adjunct Faculty Member

Taught a variety of law enforcement and social science courses including Introduction to Criminal Justice, Criminology, Juveniles in the Criminal Justice System, Law Enforcement and Society, Introduction to Sociology, and First Year Seminar. Also assisted with NEAS&C and Board of Higher Education reaccreditation of the Criminal Justice Program.

EDUCATION

FITCHBURG STATE COLLEGE, Fitchburg, Massachusetts

2000 *Master of Science in Criminal Justice*
Capstone Project: A Campus Response to School/Workplace Violence Research Project & Action Plan

1992 *Bachelor of Science in Marketing*

CERTIFICATIONS & TRAINING

- Massachusetts Department of State Police – Special State Police Officer, M.G.L. 22c Section 63
- Campus Public Safety Racial Diversity; Darkness to Light – Stewards of Children (Trainer Certified)
- United States Department of Homeland Security Certifications:
 - IS-00800.A – National Response Plan (NRP), an Introduction
 - IS-00200 – ISC for Single Resources and Initial Action Incidents
- Louisiana State University Academy of Counter-Terrorist Education (Campus Public Safety Response to Weapons of Mass Destruction - Trainer Certified)
- International Association of Campus Law Enforcement Administrators (Public Safety Human Resource Management)
- Massachusetts Violent Criminal Apprehension Program: Sexual Assault/Stalking
- First Responder, CPR, AED certified

PROFESSIONAL AFFILIATIONS

- International Association of Campus Law Enforcement Administrators (IACLEA)
- Massachusetts Association of College and University Public Safety Directors (MACUPSD)
- Greater Boston Police Council
- Northeast Colleges and Universities Security Association (NECUSA)
- University Risk Management and Insurance Association (URMIA)



TOWN OF FRANKLIN

PERMIT OF OCCUPANCY

No.

Date 8/24/10

Permanent Date 8/27/10

Temporary 7 15 30 Days

This document must be submitted not less than two weeks prior to the date when it is desired to occupy building.

To the Building Inspector:

The undersigned hereby applies for a permit of occupancy:

Owner Dean College

Address 135 Emmons Street, Franklin, MA 02038

Occupant Performing Arts & Dining Center

No. of Building permit

Type of Construction 2C 5. Use Group A3, B Parcel I.D. ~~279-000-037-000~~

Location of Building 135 Emmons Street 279-037-000-000
No. Street

a. If no number, give nearest intersecting street

b. If in recorded subdivision, give name

Zone District SFR IV Lot Number

Remarks or description Two Story Building - 1st Floor Professional Art Center/Theatre. Lower Level to include Commercial Kitchen with Dining, Offices and Storage.

I, as applicant, hereby certify that the data given on this sheet is correct and that I will conform to all the applicable laws of the Town of Franklin and the requirement of the State Building Code.

Administrator [Signature] Gas Inspector 8-21-10 RC

Conservation [Signature] Health Dept. Daniel E. McKernan 8-24-10

DPW Administration [Signature] Planning [Signature]

Electrical Inspector [Signature] Plumbing Inspector 8-21-10 RC

Fire Dept. [Signature] Sewer / Water [Signature]

Building Commissioner [Signature] Treasurer Sandra A. Gurnig 8/24/10

Date 8/27/2010 Building 8/27/10 DAR

Signature of Applicant [Signature] Print Name JOHN D. ABUCOVIC

Comments

My Commission expires



NANCY E. McCABE
Notary Public
Commonwealth of Massachusetts
My Commission Expires
April 5, 2012

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	Corporation	Date of Incorporation	3/28/1865
State of Incorporation	Massachusetts	Is the Corporation publicly traded? <input type="radio"/> Yes <input checked="" type="radio"/> No	

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises (Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.

- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
Paula M. Rooney			
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
President	0	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input checked="" type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
Daniel Modelane			
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Treasurer	0	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input checked="" type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
Sandra Cain			
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Clerk	0	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input checked="" type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
			MA Resident
			<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached? ☐ Yes ☒ No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, 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 in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Own

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

☐ Yes ☐ No

APPLICATION FOR A NEW LICENSE

8. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	0
B. Purchase Price for Business Assets	0
C. Other * (Please specify below)	0
D. Total Cost	0

*Other Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Total:	

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
n/a			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

This is an application for a new license. The only cost would be for alcoholic beverage inventory which would come from Dean College operating funds.

9. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge? ☐ Yes ☒ No

Please indicate what you are seeking to pledge (check all that apply) ☐ License ☐ Stock ☐ Inventory

To whom is the pledge being made?

10. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Date of Birth SSN

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* ☒ Yes ☐ No *Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? ☐ Yes ☒ No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
1996	Present	Dir. Public Safety, Law	Dean College	President of the College
		Enforcement Services and		
		Risk Management		

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☒ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

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

Manager's Signature Date

11. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?
If yes, please fill out section 11.

☒ Yes ☐ No

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

The dining (food and beverage) services for Dean College are managed by Sodexo Management, Inc. Sodexo USA provides facilities management and food services to schools, universities, hospitals, senior living communities, venues and other industries across the United States.

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

11A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone
Sodexo Management Inc.	9801 Washingtonian Blvd	

Name of Principal	Residential Address	SSN	DOB
	Gaithersburg MD 20878		

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?
If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

11B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

LICENSE

Does any individual or entity identified in question 11A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

11C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 11A, and applicable attachments, 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 in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

11D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 11A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

11E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Has any of the disclosed licenses listed in questions in section 11B, 11C, 11D ever been suspended, revoked or cancelled?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

11F. TERMS OF AGREEMENT

- a. Does the agreement provide for termination by the licensee?
b. Will the licensee retain control of the business finances?
c. Does the management entity handle the payroll for the business?

Yes ☒ No ☐

Yes ☒ No ☐

Yes ☒ No ☐

d. Management Term Begin Date

e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

☐ \$ per month/year (indicate amount)

☐ % of alcohol sales (indicate percentage)

☐ % of overall sales (indicate percentage)

☐ other (please explain)

ABCC Licensee Officer/LLC Manager

Signature:



Title:

Director of Law Enforcement Security

Date:

11/14/20

Management Agreement Entity Officer/LLC Manager

Signature:

Title:

Date:

11C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 11A, and applicable attachments, 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 in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

11D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 11A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

11E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Has any of the disclosed licenses listed in questions in section 11B, 11C, 11D ever been suspended, revoked or cancelled?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

11F. TERMS OF AGREEMENT

- a. Does the agreement provide for termination by the licensee?
b. Will the licensee retain control of the business finances?
c. Does the management entity handle the payroll for the business?

Yes ☒ No ☐
Yes ☒ No ☐
Yes ☒ No ☐

d. Management Term Begin Date

e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

☐ \$ per month/year (indicate amount)

☐ % of alcohol sales (indicate percentage)

☐ % of overall sales (indicate percentage)

☐ other (please explain)

ABCC Licensee Officer/LLC Manager

Signature:

Title:

Date:

Management Agreement Entity Officer/LLC Manager

Signature:

Title:

Date:

APPLICANT'S STATEMENT

I, Paula M. Rooney, President the: ☐ sole proprietor; ☐ partner; ☒ corporate principal; ☐ LLC/LLP manager
Authorized Signatory

of Dean College
Name of the Entity/Corporation

hereby submit this application (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 statements 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 are in compliance with state and local laws and regulations;
- (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 ownership 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.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: Paula M. Rooney, Esq.

Date: 01-14-2020

Title: Paula M. Rooney, President



JEAN M. LORIZIO, ESQ.
CHAIRMAN

Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150

CORI REQUEST FORM

The Alcoholic Beverages Control Commission ("ABCC") has been certified by the Criminal History Systems Board to access conviction and pending Criminal Offender Record Information ("CORI"). For the purpose of approving each shareholder, owner, licensee or applicant for an alcoholic beverages license, I understand that a criminal record check will be conducted on me, pursuant to the above. The information below is correct to the best of my knowledge.

ABCC LICENSE INFORMATION

ABCC NUMBER: <small>(OF EXISTING LICENSES)</small>	LICENSEE NAME: Dean College	CITY/TOWN: Franklin
---	-----------------------------	---------------------

APPLICANT INFORMATION

LAST NAME: Corkran	FIRST NAME: Kenneth	MIDDLE NAME: F
MAIDEN NAME OR ALIAS (IF APPLICABLE):	PLACE OF BIRTH:	
DATE OF BIRTH:	SSN:	ID THEFT INDEX PIN (IF APPLICABLE):
MOTHER'S MAIDEN NAME:	DRIVER'S LICENSE #:	STATE LIC. ISSUED: Massachusetts
GENDER: MALE	HEIGHT: 6 2	WEIGHT: 180 EYE COLOR: Brown
CURRENT ADDRESS:		
CITY/TOWN:	STATE: MA	ZIP:
FORMER ADDRESS:		
CITY/TOWN:	STATE: MA	ZIP:

PRINT AND SIGN

PRINTED NAME: Kenneth F. Corkran	APPLICANT/EMPLOYEE SIGNATURE: <i>Kenneth F. Corkran</i>
----------------------------------	---

NOTARY INFORMATION

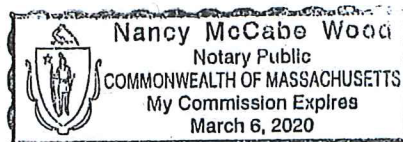
On this January 29, 2020 before me, the undersigned notary public, personally appeared Kenneth F. Corkran
(name of document signer), proved to me through satisfactory evidence of identification, which were personally known
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

Nancy McCabe Wood
NOTARY

DIVISION USE ONLY

REQUESTED BY:	SIGNATURE OF CORI-AUTHORIZED EMPLOYEE
---------------	---------------------------------------

The DCJ Identify Theft Index PIN Number is to be completed by those applicants that have been issued an Identity Theft PIN Number by the DCJ. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. ALL CORI request forms that include this field are required to be submitted to the DCJ via mail or by fax to (617) 660-4614.





Commonwealth of Massachusetts

Certificate of Birth

From The Records of Births In The City Of Fitchburg
Massachusetts, U.S.A.

Date of Birth	_____
Full Name of Child	Kenneth Franklin Corkran
Sex	Male
Place of Birth	_____
Residence of Parents	_____
Name of Father	_____
Occupation of Father	_____
Birthplace of Father	_____
Maiden Name of Mother	_____
Birthplace of Mother	_____

I, LORRAINE T. ROUSSEAU City Clerk of the City of Fitchburg, in the County of Worcester, Commonwealth of Massachusetts hereby declare that the Records of Births, Marriages and Deaths required by law to be kept in said city are in my custody, and that the foregoing is a true extract from the Records of said BIRTHS in said City, as certified by me.

In Witness Whereof I hereunto set my hand and seal of said City, on the
9th day of February 19 2000

FILED: _____

VOLUME:

PAGE: _____

NUMBER: _____

Lorraine T. Rousseau
CITY CLERK

CORPORATE VOTE

The Board of Directors or LLC Managers of

Dean College

Entity Name

duly voted to apply to the Licensing Authority of

Franklin

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

1/9/2020

Date of Meeting

For the following transactions (Check all that apply):

☒ New License

☐ Change of Location

☐ Change of Class (i.e. Annual / Seasonal)

☐ Change Corporate Structure (i.e. Corp / LLC)

☐ Transfer of License

☐ Alteration of Licensed Premises

☐ Change of License Type (i.e. club / restaurant)

☐ Pledge of Collateral (i.e. License/Stock)

☐ Change of Manager

☐ Change Corporate Name

☐ Change of Category (i.e. All Alcohol/Wine, Malt)

☒ Management/Operating Agreement

☐ Change of Officers/
Directors/LLC Managers

☐ Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees)

☐ Issuance/Transfer of Stock/New Stockholder

☐ Change of Hours

☐ Other

☐ Change of DBA

"VOTED: To authorize

Paula M. Rooney, President

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint

Kenneth F. Corkran

Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,

Daniel Modeline 2/7/20
Corporate Officer / LLC Manager Signature

Daniel Modeline
(Print Name)

For Corporations ONLY

A true copy attest,

Sandra Cairns 2-7-20
Corporation Clerk's Signature

Sandra Cairns
(Print Name)

INDEPENDENT SCHOOLS COMPENSATION CORPORATION
NCCI CARRIER CODE NO.
WORKERS COMPENSATION AND EMPLOYERS LIABILITY INSURANCE POLICY
INFORMATION PAGE

WC 00 00 01A

1. The Insured: Dean College

Policy No. _____

Renewal Of: _____

Mailing address: Attn: Public Safety Dept.
 99 Main Street
 Franklin, MA 02038

_____ Individual _____ Partnership
☒ Corporation or _____
 Federal Employers I.D.# _____
 Inter/Intrastate Risk I.D. # _____
 Other I.D. # _____

Other workplaces not shown above: See Schedule

2. The policy period is from 01/01/2020 12:01 a.m. to 01/01/2021 12:01 a.m. standard time at the Insured's mailing address.

3. A. Workers Compensation Insurance: Part One of the policy applies to the Workers Compensation Law of the states listed here: MA

B. Employers Liability Insurance: Part Two of the policy applies to work in each state listed in item 3.A. The limits of our liability under Part Two are: Bodily Injury by Accident \$ 1,000,000 each accident
 Bodily Injury by Disease \$ 1,000,000 policy limit
 Bodily Injury by Disease \$ 1,000,000 each employee

C. Other States Insurance: Part Three of the policy applies to the states, if any, listed here:
 COVERAGE REPLACED BY ENDORSEMENT WC 20 03 06 B

D. This policy includes these endorsements and schedules: See Schedule

4. The premium for this policy will be determined by our Manuals of Rules, Classifications, Rates and Rating Plans. All information required below is subject to verification and change by audit.

Classification	Code No.	Premium Basis Total Estimated Annual Remuneration	Rate Per \$100 of Remuneration	Estimated Annual Premium
See Item 4. Extension WC 00 00 01 A				

Total Estimated Annual Premium **\$74,549**

Deposit Premium \$ 18,637

Minimum Premium \$ 372 7382

Expense Constant **\$338**

Premium Adjustment Period: Annual

Countersigned by: _____

Servicing Office: Independent Schools Compensation Corporation

Date: 11/26/2019

Producer: HUB International New England LLC

The Commonwealth of Massachusetts

OFFICE OF THE SECRETARY OF STATE
ONE ASHBURTON PLACE, BOSTON, MA 02108

FEDERAL IDENTIFICATION

NO. _____

Michael Joseph Connolly, Secretary

RESTATED ARTICLES OF ORGANIZATION

General Laws, Chapter 180, Section 7

This certificate must be submitted to the Secretary of the Commonwealth within sixty days after the date of the vote of members or stockholders adopting the restated articles of organization. The fee for filing this certificate is \$30. Make check payable to the Commonwealth of Massachusetts.

We, John A. Dunn, Jr.
Mark A. Robinson

_____, President _____ and
_____, Clerk _____ of

Dean Academy, in the town of Franklin
(which may use the name Dean Academy and Junior College by chapter two hundred and forty-four of the acts of the General Court in the year _____ one thousand nine hundred and forty-one)
(Name of Corporation)

located at 99 Main Street, Franklin, Massachusetts

do hereby certify that the following restatement of the articles of organization of the corporation was duly adopted by unanimous written consent dated July 9, 1993, of _____ member trustees, _____
being at least two thirds of its _____ trustees, legally qualified to vote in meetings of the corporation (or, in the case of a corporation having capital stock, by the holders of at least two thirds of the capital stock having the right to vote thereon):

1. The name by which the corporation shall be known is:-
Dean College.
2. The purposes for which the corporation is formed are as follows:-
The Corporation is organized and shall be operated as an educational institution and shall be entitled to engage in such other activities and programs as allowed a corporation organized under chapter 180 of the General Laws of Massachusetts and as described in Section 501(c)(3) of the Internal Revenue code of 1986, as amended.

See attached Continuation Sheet 2A

NOTE: If provisions for which the space provided under Articles 2, 3 and 4 is not sufficient additions should be set out on continuation sheets to be numbered 2A, 2B, etc. Indicate under each Article where the provision is set out. Continuation sheets shall be on 8 1/2" x 11" paper and must have a left-hand margin 1 inch wide for binding. Only one side should be used.

ALCOHOLIC BEVERAGES MANAGEMENT SERVICES AGREEMENT

This Agreement is made as of this ___ day of _____, 2020, by and between Dean College, a Massachusetts corporation with its principal place of business at 99 Main Street, Franklin, Massachusetts 02038 ("Licensee") and Sodexo Management, Inc., a New York corporation with its principal place of business at 9801 Washingtonian Blvd., Gaithersburg, MD 20878 ("Manager").

I. General Representations

WHEREAS, the Licensee is a college educational institution.

WHEREAS, the Licensee is applying to hold an all alcoholic beverages license ("Liquor License") issued by the Licensing Board for the Town of Franklin and the Massachusetts Alcoholic Beverages Control Commission necessary for the conduct of the Licensee's beverage services in its Campus Center.

WHEREAS, the Manager possesses particular expertise in the operations engaging in the service of alcoholic beverages and has the experience to ensure the successful and compliant operation.

WHEREAS, the Manager will also be providing food and non-alcoholic beverages and related services at the Campus Center.

WHEREAS, the Licensee and Manager are desirous of establishing a business relationship for the management of the provision of alcoholic beverages services at the Campus Center in accordance with the terms of this Agreement.

WHEREAS, the Licensee, shall apply to the Licensing Board for the Town of Franklin and the Massachusetts Alcoholic Beverages Control Commission for the Liquor License and to obtain approval of this Management Services Agreement.

II. Management of Alcoholic Beverages Service

1. The Manager shall provide for the operation, management and provision of all the alcoholic beverages service at the Campus Center and generally provide day-to-day supervision and direction of the Licensee's operation of food and beverages at the Campus Center.

2. The Manager shall perform all duties and obligations on behalf of the Licensee. Notwithstanding the foregoing, it is expressly understood and agreed between the parties hereto, that Licensee, as the holder of the Liquor License, shall at all times have and maintain exclusive control of every phase of storage, distribution, sales, transportation, and possession of alcoholic beverages purchased, stored, served, and sold on the licensed premises.

3. The Licensee shall appoint Ken Corkran as the manager of record for the licensed premises. The Manager and Licensee shall ensure that there is at all times an approved manager of record in accordance with Massachusetts general laws, Chapter 138, Section 26. If, at any time, Ken Corkran shall not be qualified, willing or able to act in such capacity, Licensee shall designate another appropriate person to be such manager of record, subject to all applicable regulatory authorities.

4. The Manager shall only operate service of the alcoholic beverages during those hours of operation permitted by the License and all other applicable licenses and permits.

5. The Manager shall be responsible for the operation of all alcoholic beverages services, and shall have the authority, except as set forth herein, to conduct its day-to-day affairs, including the following:

5.1. The Manager will have the responsibility for the purchasing, pricing, storage and service of all alcoholic beverages.

5.2. The Manager shall train, supervise, direct, discipline, and, if necessary, discharge personnel working at the Campus Center on behalf of the Licensee. All

personnel directly or indirectly involved with the sale and service of alcoholic beverages will be certified by an alcoholic beverage service school approved pursuant to the laws of the Commonwealth of Massachusetts and the Liquor Laws.

5.3. Notwithstanding any provision of this Section 5 to the contrary, Manager shall hire and maintain control over all employees directly involved in the sale and service of alcoholic beverages and said employees shall operate the alcoholic beverage service for the ultimate benefit of Licensee under the Liquor License

6. Except for compensation due for management operation of the Campus Center, the Manager shall have no interest, direct or indirect, in any aspect of the Liquor License.

III. Termination

This Agreement may be terminated by either party upon breach by the other party hereto, provided that the terminating party shall give the other party written notice of the breach and allow the other party twenty (20) business days within which to cure. Waiver of any breach by either party shall not constitute waiver of any other breach. In the event that either party is required to bring legal action to enforce its rights under this Agreement, the prevailing party shall recover reasonable attorney's fees in addition to all other damages, remedies and relief.

IV. Compensation

7. The Manager will not share in revenue received from the sales of alcoholic beverages, but shall be compensated for its services as agreed between the Licensee and Manager.

V. Purchase of Alcoholic Beverages

8. The Licensee, with the advice of the Manager as to type, brand and quantity, shall purchase all alcoholic beverages sold or to be sold in the operation of the Liquor License and pay any sales or other taxes that may be due as a result of the sale of alcoholic beverages in the Campus Center. All revenue collected from the sale of alcoholic beverages shall be deposited into an

account to which Licensee's designee shall be a signatory ("Operating Account"). To the extent that the Manager collects gross receipts from the sale of alcoholic beverages at the Campus Center, the Manager shall cause the gross sales receipts from the alcoholic beverages sales at the Campus Center to be deposited in the Operating Account on a daily basis.

9. The Manager shall advise the Licensee as to the alcoholic beverages to be purchased for the Campus Center and the Licensee shall place orders therefore with licensed Massachusetts wholesalers of alcoholic beverages or other entities as may be legally entitled to sell alcoholic beverages to licensees.

VI. Enumerated Responsibilities

10. The Licensee shall be responsible for causing the payment of all governmental charges, including sales taxes, and fees pertaining to or incurred as a result of the operation of the alcoholic beverages.

11. The Licensee and Manager shall maintain complete and accurate books of account, reflecting all sales, gross receipts, and tax records and returns and all of the alcoholic beverages activities of the Campus Center.

12. The Manager shall at all times maintain adequate, competent, well-trained personnel in connection with the service of alcoholic beverages.

VII. Liquor License Renewals and Maintenance.

13. The Manager shall ensure that all licenses, permits, and approvals related to the operation of the Campus Center, remain valid and in full force and effect throughout the term of this Agreement. Notwithstanding the foregoing, Licensee shall file annual renewals for the Liquor License with Manager's cooperation as needed. Fees related to any and all renewals for all licenses, permits, and approvals shall be issued from the Operating Account. If the Operating Account does not contain sufficient funds to cover the above costs, Licensee shall cover such

costs from its other resources. Should either Licensee or Manager receive notice of an alleged violation concerning the Liquor License, the party receiving the notice shall immediately notify the other party, and both parties shall thereafter cooperatively work towards curing the alleged violation and appearing at any hearing before any governmental authority concerning such alleged violation; each party at its own expense retaining any legal counsel they may so desire.

14. The Licensee shall file an application for approval of this Management Agreement, with the Licensing Commission and the ABCC. The Manager shall cooperate with the Licensee to obtain the required approval of the Management Agreement and to execute any additional documents required for the application.

VII. Miscellaneous Provisions

15. The section headings used herein are for convenience and are not to be construed as limiting or expanding the provisions of this Agreement.

16. The covenants and conditions to be performed in this Agreement shall be binding upon the legal representatives, successors and assigns of the parties hereto, but this Agreement may not be assigned by the Manager without the prior consent of the Licensee.

17. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts, and if any provisions of this Agreement shall to any extent be invalid, the remainder of this Agreement shall not be affected thereby, unless such invalidity goes to the essence of the Agreement.

18. This Agreement may be amended only by instruments in writing executed by the parties.

19. This Agreement may be executed in any number of counterparts including facsimiles, each of which shall be deemed to be an original

EXECUTED AS A SEALED INSTRUMENT AS OF THE DAY AND DATE FIRST
ABOVE WRITTEN.

Licensee:

Dean College

Manager:

Sodexo Management, Inc.

By

Name:

Title:

By:

Name:

Title:

Phillip Hardy
Senior Vice President



Smith Dining Center

135 Emmons St

03/04/2020



SMITH DINING CENTER

Mon	Tue	Wed	Thu	Fri	Sat	Sun
2	3	4	5	6	7	8

NUTRITION LABELS

Click on the calories next to each menu item for a complete nutrition label.

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Breakfast Daily Dish

<u>French Toast Sticks</u> v    	<u>430cal</u>
<u>Two Scrambled Eggs</u> v 	<u>210cal</u>
<u>Cage Free Hard Cooked Egg</u> v 	<u>70cal</u>

Breakfast Meat

<u>House Baked Buttermilk Biscuit</u> v    	<u>170cal</u>
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Breakfast Option

<u>Sausage Gravy</u>   	<u>90cal</u>
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Continental Breakfast

<u>Steel Cut Oatmeal, 8 oz</u> v VG 	<u>170cal</u>
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Entree Starch

<u>Hash Browned Potatoes</u> v VG	<u>120cal</u>
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Global Brunch

<u>Omelet Bar</u>  	<u>250cal</u>
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Hot cereal

<u>Cream of Wheat</u> v VG  	<u>80cal</u>
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LUNCH



Dean Deli

<u>Made to Order Deli Bar</u>      	<u>500cal</u>
<u>Lighter Chicken Caesar Wrap</u>      	<u>370cal</u>

Deli Special

<u>Buffalo Sriracha Chicken Salad Biggie</u>     	<u>280cal</u>
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Dessert

<u>Chocolate Brownie</u> v    	<u>170cal</u>
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Entree

<u>Tortilla Chipotle Lime Chicken</u>    	<u>290cal</u>
Entree Pasta Option	
<u>Marinara Sauce</u>  	<u>20cal</u>
<u>Fusilli Pasta</u>    	<u>210cal</u>
<u>Ziti Pasta</u>    	<u>210cal</u>
Entree Starch	
<u>Gratin Potatoes</u>    	<u>170cal</u>
Everyday Grill	
<u>Cheeseburger</u>   	<u>370cal</u>
<u>Grilled Chicken Sandwich on Whole Wheat Bun</u>    	<u>400cal</u>
<u>Steak Fries</u>   	<u>210cal</u>
Global	
<u>Spicy Eggplant with Garbanzo Beans</u>   	<u>170cal</u>
Pasta Bar	
<u>Bolognese Sauce</u>	<u>50cal</u>
<u>Herb Seasoned Breadstick</u>      	<u>35cal</u>
Pizza/Casserettes	
<u>Pepperoni Pizza</u>   	<u>250cal</u>
<u>Cheese Pizza</u>    	<u>220cal</u>
<u>Chicken Tender Parmesan Loafer Sandwich</u>   	<u>360cal</u>
Soup	
<u>Chunky Vegetable Orzo Soup</u>    	<u>90cal</u>
<u>Smoked Ham, Cabbage & Potato Soup</u>   	<u>140cal</u>
Vegetables	
<u>Garlic Roasted Green Beans</u>   	<u>45cal</u>
<u>Roasted Asparagus with Oregano</u>   	<u>25cal</u>

x

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BBQ Bar

<u>Firecracker Cole Slaw</u> v 🍳 🍷	<u>130cal</u>
<u>Memphis Sweet & Spicy BBQ Sauce</u> 🍷 🍷 🍷	<u>40cal</u>
<u>Pulled BBQ Chicken</u> 🍷	<u>140cal</u>
<u>Buttermilk Cornbread</u> v 🍳 🍳 🍷 🍷	<u>200cal</u>
<u>Smoky Collard Greens</u> 🍳 🍷	<u>60cal</u>
<u>Smoked Sausage</u>	<u>360cal</u>
<u>BBQ Baked Beans</u> v 🍷	<u>110cal</u>

Dessert

<u>Confetti Cupcake</u> v 🍳 🍳 🍷 🍷	<u>280cal</u>
<u>Raspberry White Chocolate Cookie</u> v 🍳 🍳 🍷 🍷	<u>170cal</u>
<u>Chocolate Brownie</u> v 🍳 🍳 🍷 🍷	<u>170cal</u>

Entree

<u>Southwest Beefy Macaroni</u> 🍳 🍷	<u>380cal</u>
<u>Garlic Bread</u> v 🍳 🍷 🍷	<u>140cal</u>

Entree Pasta Option

<u>Ziti Pasta</u> v VG 🍷 🍷	<u>210cal</u>
<u>Marinara Sauce</u> v VG	<u>20cal</u>

Entree Vegan/Vegetarian

<u>Tofu Burrito</u> v 🍳 🍷 🍷	<u>570cal</u>
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Global

<u>Salsa Chicken Crepe</u> 🍳 🍳 🍷 🍷	<u>370cal</u>
<u>Gourmet Crepe Bar</u> 🍳 🍳 🍷 🍷	<u>390cal</u>

Pizza/Casserettes

<u>Pepperoni Pizza</u> 🍳 🍷 🍷	<u>250cal</u>
<u>Cheese Pizza</u> v 🍳 🍷 🍷	<u>220cal</u>

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Soup

[Chunky Vegetable Orzo Soup](#)   [90cal](#)[Smoked Ham, Cabbage & Potato Soup](#)   [140cal](#)

Vegetables

[Garlic Roasted Green Beans](#)   [45cal](#)

Allergen / Diet Key:

 Peanut  Milk  Eggs  Wheat  Soybean  Fish  Shellfish  Treenuts

 Vegetarian  Vegan  Mindful

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[My Meal Plan](#)

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135 Emmons Street

Franklin, MA 02038

Feedback



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FROM THE GRILL

Hamburger	2.99	310 cal
Cheeseburger	3.49	450 cal
Chicken Tender Sandwich	4.29	380 cal
Black Bean Burger	4.99	410 cal
Grilled Chicken Sandwich	4.99	340 cal

MAKE IT A DOUBLE 1.99 160 cal
AND ADD SOME BACON 0.79 60 cal

MELTS

3.99 270-380 cal

Three Cheese - American, Provolone
& Cheddar on Texas Toast

Deluxe - American, Provolone & Swiss with
Bacon, Lettuce & Tomato on Texas Toast

2,000 calories a day is used for general nutrition advice, but calorie needs vary. Additional nutritional information available upon request.

Before placing your order please inform your server if anyone in your party has a food allergy

BOOMERIZE IT
And get a 16 oz Fountain
Drink and Fries for 2.79





MAKE IT YOURS
Add Cheese (0.69 | 50-110 cal)
American, Swiss, Cheddar,
Provolone, Pepper Jack
Add Bacon (0.79 | 90 cal)

FROM THE DELI

Chicken Caesar Wrap	5.99	360 cal
Buffalo Chicken Wrap	5.99	420 cal
6" Sub or Wrap	5.49	300-560 cal
12" Sub	7.99	600-1120 cal

Roasted Turkey, Smoked Ham, Italian, Tuna Salad

FRIED GOODNESS

Jumbo Chicken Wings		
5 pcs	5.99	510 cal
10 pc	10.99	1020 cal
House Made Boneless Tenders		
3 pc	3.99	114 cal
5 pc	6.99	190 cal
Mozzarella Sticks	4.99	450 cal
Fries	2.49	400 cal

French Fries, Curly Fries, Sweet Potato Fries

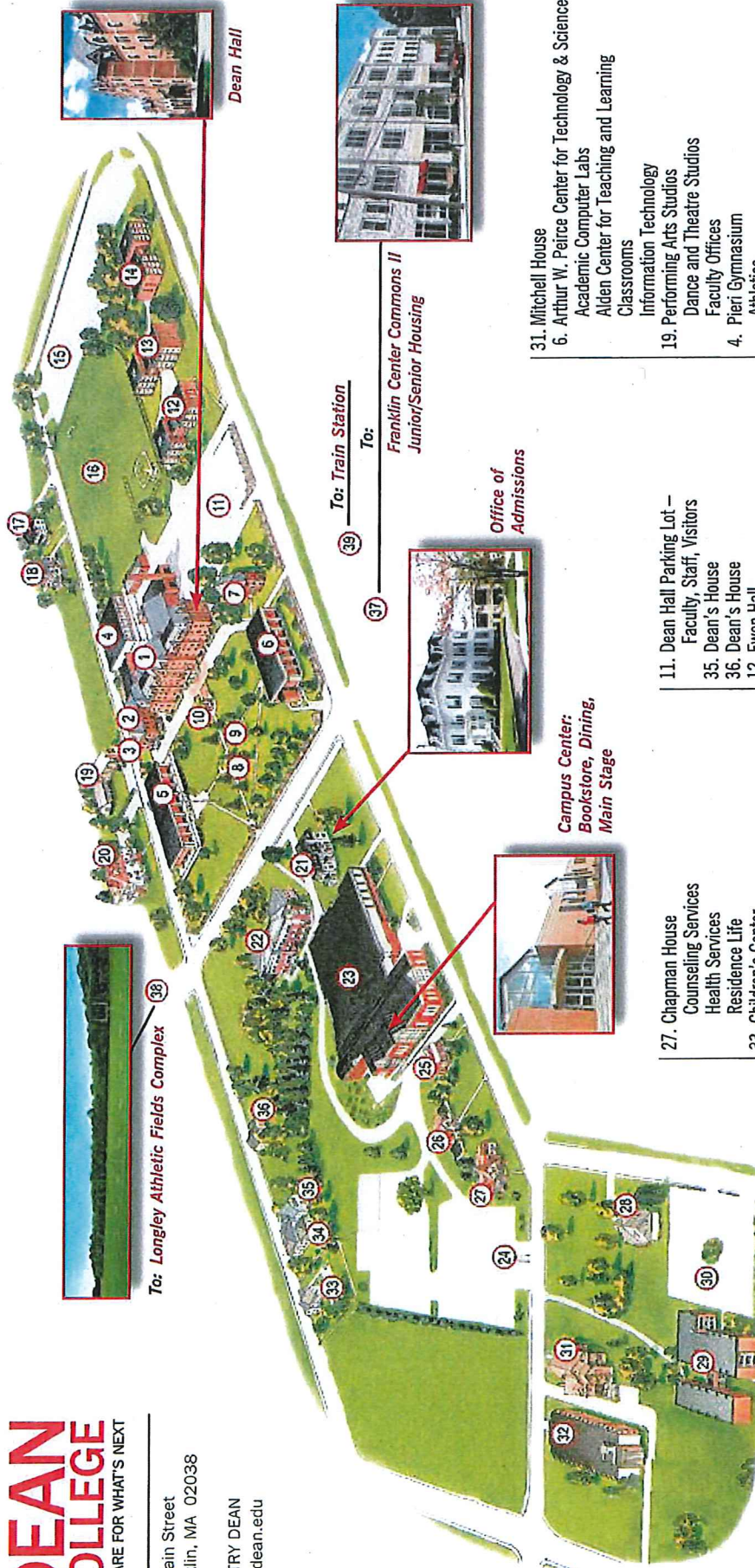
MORE SAUCE PLEASE 0.69 0-80 cal
Honey Mustard, Buffalo, Sweet Chili, BBQ

DEAN COLLEGE

PREPARE FOR WHAT'S NEXT

99 Main Street
Franklin, MA 02038

877 TRY DEAN
www.dean.edu



CAMPUS MAP KEY

- 29. Adams Hall
- 30. Adams Parking Lot
- 21. Ray House / Admissions Office
- Marketing/Communications
- Alumni Memorial Hall
- Fitness Center
- Gym/Dance Studio
- Trophy Room
- Awpie Way
- 32. Bourret Hall

Longley Athletic Fields Complex:
From Dean Hall: follow Main Street past Town Common for 1/2 mile. Bear left at fork (Red School House at Lincoln & Maple Sts.) onto Maple Street. Longley Field is 1/4 mile on right, at 69 Maple Street.

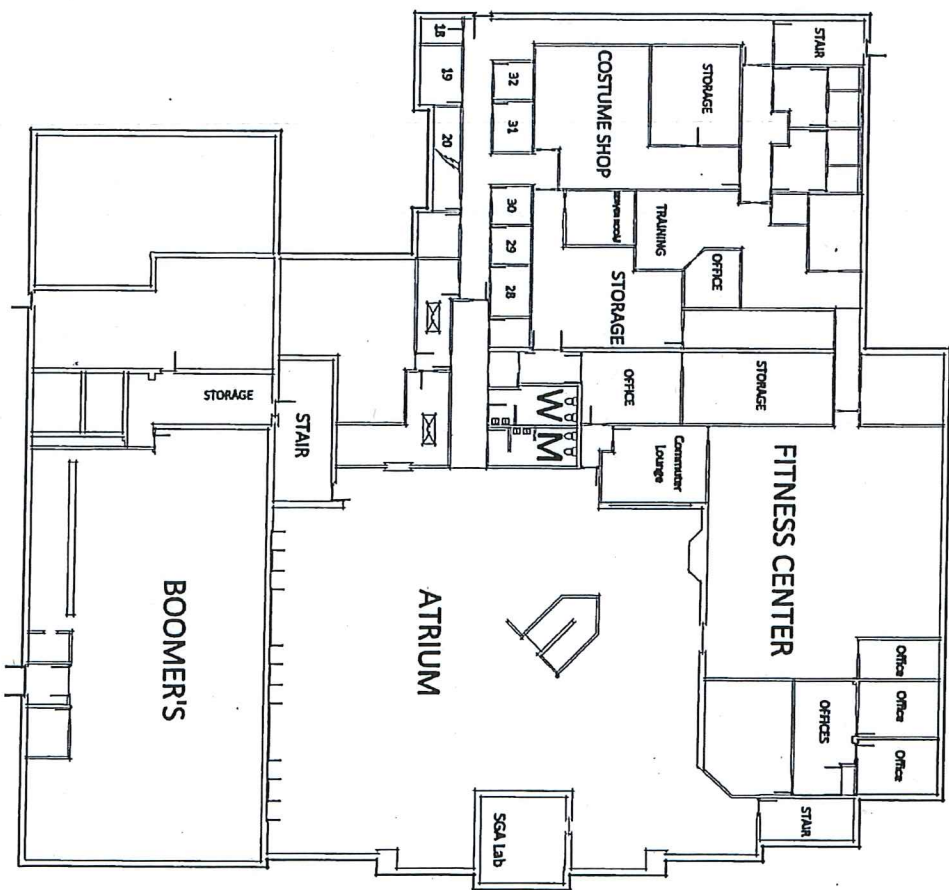
- 23. Campus Center
 - Atrium
 - Bookstore
 - Boomer's
 - Classrooms
 - Dr. Frank B. Campanella Board Room
 - Center for Advising & Career Planning
 - Dining Center
 - Dining Services
 - Holly & Jan Kokes '64 Fitness Center
 - Game Room
 - Golden Conference Room
 - Main Stage
 - Multi-Purpose Room (MPR)
 - Post Office
 - Rehearsal Rooms
 - Set and Costume Shops
 - Student Activities
 - Student Development
 - Wassersstrom Dining Room

- 27. Chapman House
 - Counseling Services
 - Health Services
 - Residence Life
 - 33. Children's Center
 - 20. Clark House
 - 1. Dean Hall
 - Administrative Offices:
 - Academic Affairs
 - Alumni Relations
 - Center for Student Administrative Services:
 - Accounts Payable/Payroll
 - Financial Aid
 - Registrar
 - School of Professional & Continuing Studies (part-time students registration & advising)
 - Student Billing
 - Facilities Operations
 - Human Resources
 - Institutional Advancement
 - Office of the President
 - Public Safety
 - Classrooms
 - Marvin Chapel
 - Digital Media Arts Center
 - WGAO Radio Station

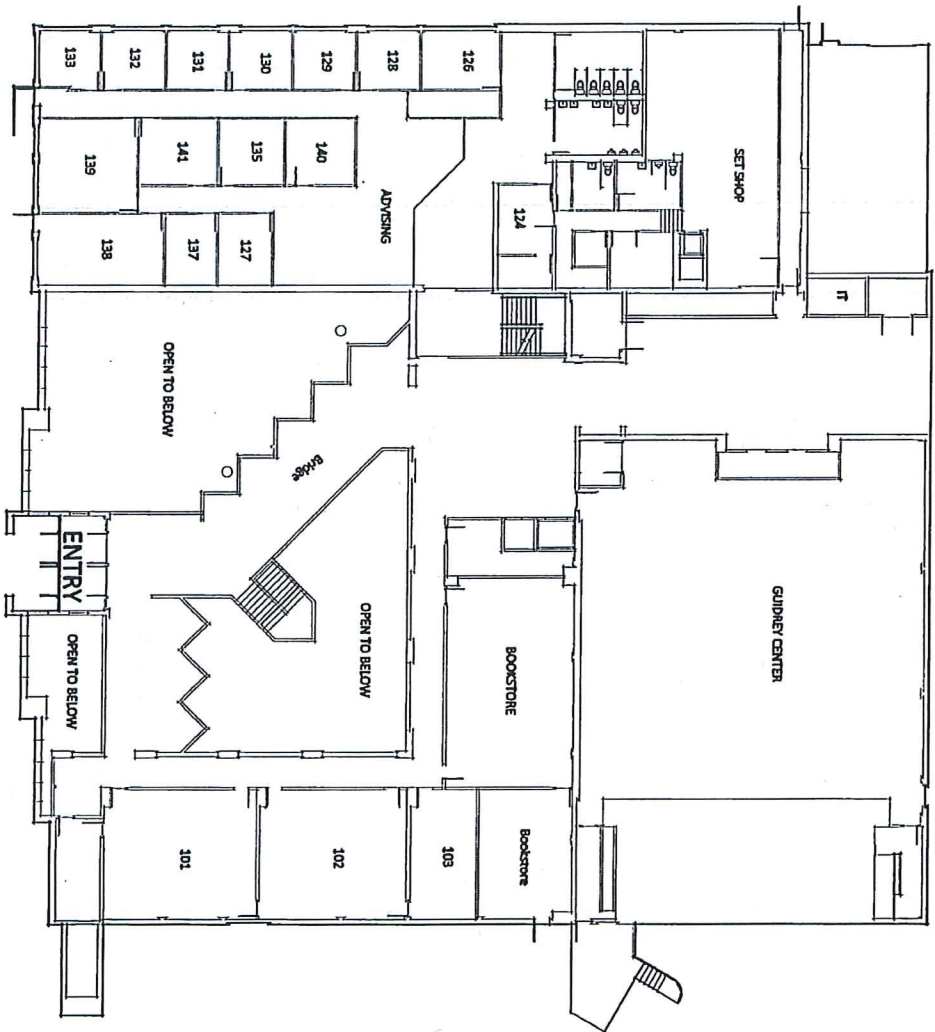
- 11. Dean Hall Parking Lot – Faculty, Staff, Visitors
- 35. Dean's House
- 36. Dean's House
- 12. Ewen Hall
- 3. Faculty/Staff Parking
- 37. Franklin Center Commons II – Junior/Senior Housing, located at 33 East Central Street
- 9. Gomez Way
- 16. Grant Field
- 5. Green Family Library Learning Commons
- Berenson Writing Center
- Classrooms
- E. Ross Anderson Library
- Jazzman's Café
- Learning Center
- Lucey Center for Technology and Training
- Technology Service Center
- 34. Houston House
- 14. Jones Hall
- 15. Jones Parking Lot
- 38. Longley Athletic Fields Complex – located at 69 Maple Street
- 24. Main Entrance – Parking – Campus Center and Admissions Visitors

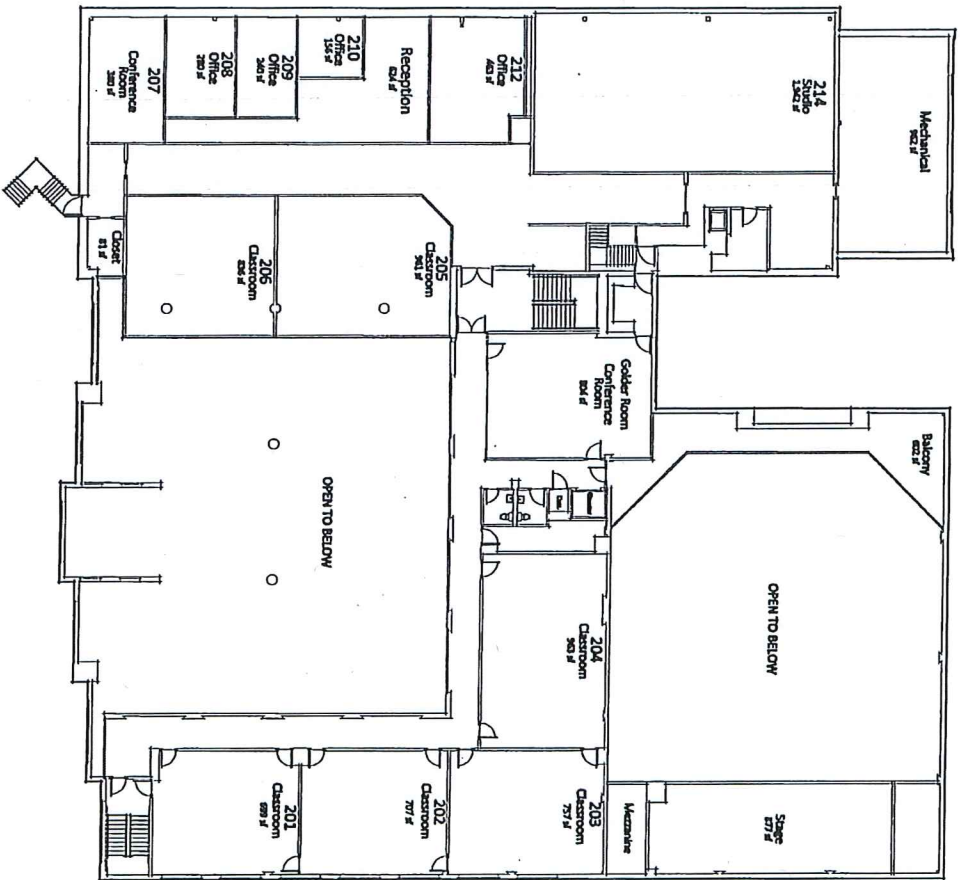
- 31. Mitchell House
- 6. Arthur W. Peirce Center for Technology & Science
- Academic Computer Labs
- Alden Center for Teaching and Learning
- Classrooms
- Information Technology
- 19. Performing Arts Studios
- Dance and Theatre Studios
- Faculty Offices
- 4. Pieri Gymnasium
- Athletics
- 18. President's Residence
- 26. Putnam House
- Faculty Offices
- Classrooms
- 7. Ray Building
- International Study Center
- Classrooms
- 21. Ray House/Admissions
- Admissions Office
- Marketing and Communications Office
- 28. Thayer Barn
- Costume Shop
- Dance Studio
- 25. Thayer House
- Faculty Offices
- 17. Thompson House
- 39. Train Station – Franklin/Dean College located at 75 Depot Street
- 13. Wallace Hall
- 10. War Memorial Monument
- 22. Woodward Hall

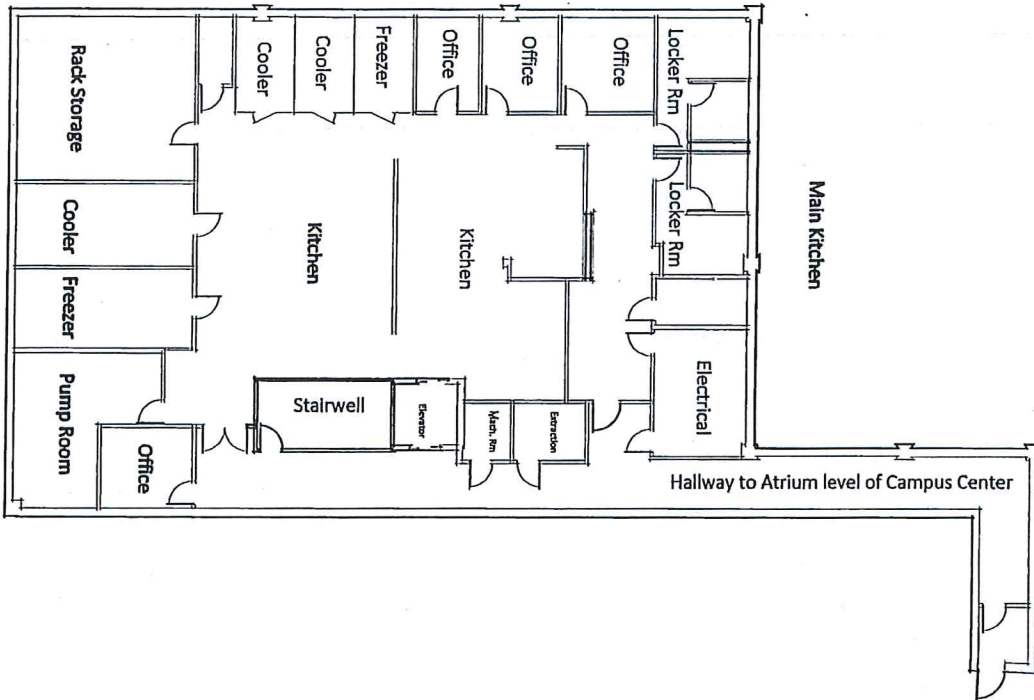
Campus Center Atrium Level

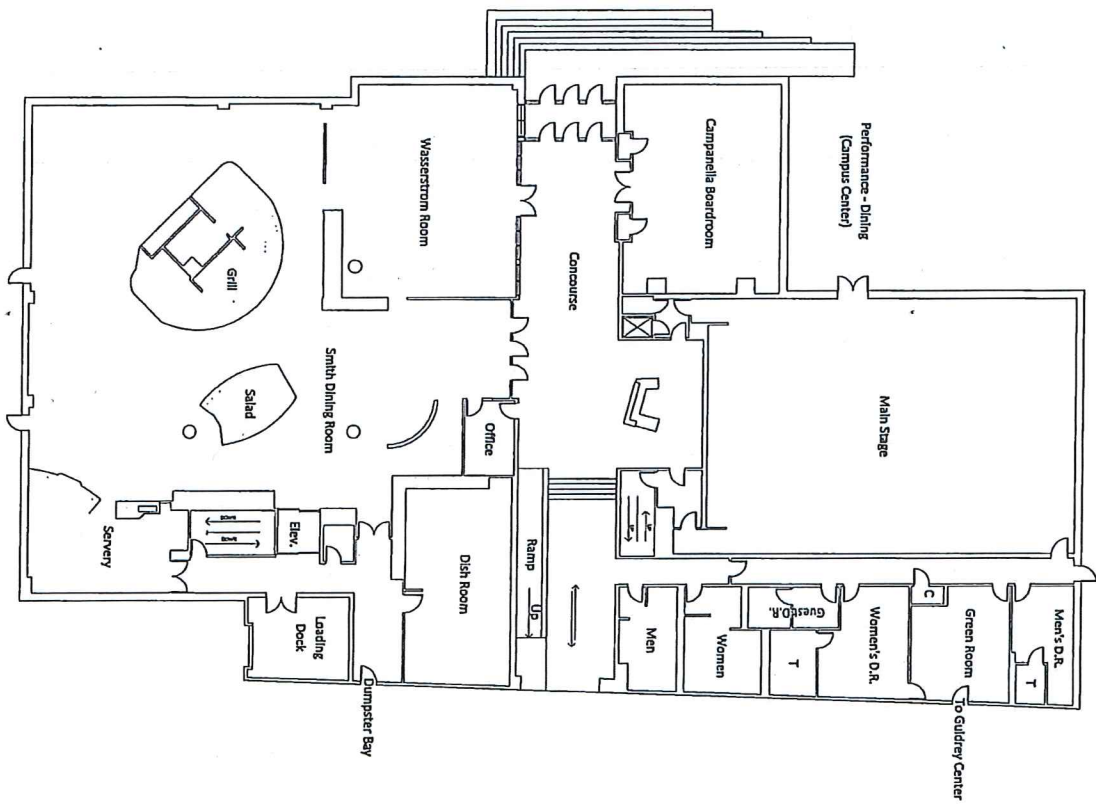


Campus Center Bridge Level









**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
May 6, 2020**

As stated on the agenda, due to the growing concerns regarding the COVID-19 virus, this meeting will be conducted as a Remote/Virtual Town Council meeting. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number, or citizens can participate by using the Zoom link provided on the agenda.

A meeting of the Town Council was held on Wednesday, May 6, 2020 as a **Remote Access Virtual Zoom Meeting**. Councilors present: Andrew Bissanti, Brian Chandler, Robert Dellorco, Eamon McCarthy Earls, Melanie Hamblen, Glenn Jones, Matthew Kelly, Thomas Mercer. Councilors absent: Deborah Pellegri. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney; Chrissy Whelton, Assistant to the Town Administrator.

CALL TO ORDER: ►Chair Mercer called the **Remote Access Virtual Zoom Meeting** to order at 7:00 PM. He confirmed via roll call Town Council members and Administrative personnel who were present and that they could hear the Chair.

ANNOUNCEMENTS: ►Chair Mercer stated this meeting is being conducted remotely consistent with Governor Baker's executive order of March 12, 2020, regarding the current state of emergency in the Commonwealth due to the outbreak of the COVID-19 virus. In order to mitigate the transmission of the COVID-19 virus, we have been advised and directed by the Commonwealth to suspend public gatherings and as such the governor's order suspends the requirements of the open meeting law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely. He stated that this meeting will feature public comment. He noted the availability of the posted call-in number and Zoom meeting link provided on the agenda for the public to join and participate in the meeting. He reviewed that all supporting meeting materials that have been provided to the Town Council are available on the Town's website unless otherwise noted. He reviewed the remote meeting ground rules. He announced this **Remote Access Virtual Zoom Meeting** is being recorded by *Franklin TV* and available for viewing on Comcast Channel 11 and Verizon Channel 29; this meeting may also be recorded by others. ►Chair Mercer called for a moment of silence.

CITIZEN COMMENTS: ►Ms. Jacqueline Maciel, 95 Elm Street, stated she has sent Town Council members emails regarding COVID-19 data; she would like to educate the citizens regarding the published number of cases. She stated that almost 71 percent of towns and cities in the Commonwealth have not seen an increase in the number of COVID-19 cases since April 15, 2020. She asked why towns are being held hostage to the cities. She stated concern that the governor was going to extend the restrictions to June 1, 2020. She stated that Attorney General Bill Barr addressed that citizens have rights during this crisis.

APPROVAL OF MINUTES: ►*March 25, 2020.* ►**MOTION to Approve the March 25, 2020 meeting minutes by Kelly. SECOND by Dellorco. No Discussion. ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES.** ►**VOTE: Yes-8, No-0, Absent-1.**

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: None.

HEARINGS: 7:10pm. ► Zoning Bylaw Amendment 20-854: Changes to §185-40. Water Resource District.

Chair Mercer declared the public hearing open. ► Mr. Hellen stated that updating the water district map is required by DEP; these boundaries are defined by the Commonwealth. He reviewed the changes being updated for the first time in 12 years. He noted a map was included in the Town Council's packet showing the changes. This is a housekeeping item to update the bylaws. ► Mr. Brutus Cantoreggi, DPW Director, confirmed this is a requirement. He stated this map outlines where the water goes in terms of the well heads. It is a planning tool when developments are done. ► Mr. Cerel stated this is a zoning issue; these are areas protected with additional requirements in the zoning bylaws. Therefore, the map needs to be periodically updated. ► **MOTION to Close the public hearing by Kelly. SECOND by Dellorco. No Discussion. ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES. ► VOTE: Yes-8, No-0, Absent-1.**

LICENSE TRANSACTIONS: ► Dean College: New Section 12 All Alcoholic Beverages License, Located at 135 Emmons Street, Franklin, MA. ► Mr. Hellen stated this is a continuation from the last Town Council meeting at which there were some concerns brought forth by Town Council members regarding the liquor license. Dean College addressed the concerns and provided a letter to the Town Council dated April 29, 2020 proposing three conditions on the liquor license for the Campus Center. He read the letter aloud. ► Mr. Cerel stated these conditions were proposed to address the concerns raised by the Town Council on this license. He stated that the prior Town Administrator had asked Mr. Cerel to work with Dean College as the college was coming in for numerous one-day alcohol licenses and they were looking for a more workable solution. ► Mr. Jones read the license transaction. ► **MOTION to Approve the request by Dean College to approve the New Section 12 All Alcoholic Beverages License, located at 135 Emmons Street, Franklin, MA, and to approve the manager, Kenneth Corkran by Jones. SECOND by Dellorco. Discussion:** ► Mr. Cerel suggested a Town Council member add an amendment to the motion to add the three proposed conditions agreed to by Dean College to the liquor license. ► Mr. Kelly asked questions regarding the memo from Dean College. He expressed concern about the possibility of having three events at the same time and how that would be managed. ► Mr. Dave Drucker, Dean of Students at Dean College, stated all locations mentioned are part of the Campus Center. He asked if the Campanella Board Room which is also in the Campus Center could be added to the list of locations. ► Mr. Kenneth Corkran, the proposed manager and Director of Law Enforcement Services and Risk Management at Dean College stated there may be an alumni event at the same time as a student event. An officer would be scheduled at each event. Typically, this does not happen often. ► Mr. Bissanti stated he has mixed feelings as this is going to be a bar, and it is going to go up against another bar in the downtown area. He stated Dean College already enjoys the privileges of bars and restaurants in the downtown area, so they do not really have the need. ► Mr. Cerel stated that the applicant could take the position that they be opened to the general public, but they have agreed otherwise. While the licensing authority has discretion to approve or deny an application for a license, increased economic competition is not a valid consideration. ► Mr. Bissanti stated his point is that on a campus where there is only 25 percent of the students of drinking age, and they are surrounded by other bars and businesses, this is not needed. As well, this location is also surrounded by residential, and the residents should be considered. ► Mr. Chandler stated concern about the safety of the students. ► Mr. Dellorco confirmed that there would be law enforcement officials on premises who could make arrests, but they would not be Town of Franklin police officers. ► Mr. Corkran stated these events have been going on for four years with no issues. ► Mr. Drucker stated he oversees the events and no underage drinking occurs. ► Ms. Hamblen stated she thought this item was about Dean College not having to come into the Town to get numerous one-day licenses. She did not think this was about having a pub on campus. She requested clarification. She asked if wine tasting classes would be allowed in the Campus Center. ► Mr. Cerel stated that was his understanding. ► Ms. Trish Farnsworth, Attorney representing the applicant, Dean College, stated there is a misunderstanding. Dean

College has been obtaining for many years one-day licenses. They are here now requesting to have more than the 30 allowed one-day licenses per year. It is not going to be a bar or restaurant competing with those in downtown. This is not going to impact the neighbors. She reiterated this will all be in one building. She stated that wine tasting would be allowed under the law with this license. ► Mr. Jones asked if Town of Franklin police could perform a license check on this entity. ► Mr. Cerel stated yes. ► Mr. Kelly asked if the alcoholic beverages would be taxed as they are in a restaurant. ► Mr. Hellen stated he is not sure if meals tax comes in from Dean College. ► Mr. Cerel stated he thinks a person would be subject to meals tax and liquor tax. ► Mr. Kelly asked it be confirmed that Dean College would pay tax on all alcoholic beverages that are sold at an event. ► Mr. Cerel stated if it is a retail sale of alcohol, it is taxed unless it is an exempt population. ► Mr. Kelly asked if the Town of Franklin has been collecting taxes on the alcoholic beverages that have been sold at Dean College for the past years. ► Mr. Cerel stated he does not know. ► Mr. Hellen stated he would have to ask the Treasurer Collector. He does not believe that many of the one-day liquor licenses in the past have involved liquor sales. ► Mr. Kelly stated he is concerned that if the Town Council provides this license, what will happen in the future. He asked if they could have wine and beer tasting. He is concerned with safety of the students. He does not know if the restaurant license is the way to go; maybe a club license would have been better. ► Ms. Farnsworth stated this license is only for the Campus Center. Outdoor alcohol would be under a one-day license. ► Mr. Dellorco noted that at the Rod & Gun Club the meals tax is paid to the State when they have a one-day licenses. ► Mr. Cerel noted records have to be kept on premises for TIPS certification. ► Mr. Bissanti stated he is very concerned about enforcement. He questioned why Dean College needs this permanent license; the one-day licenses may work better from a safety standpoint. ► Ms. Hamblen stated she was under the impression that this license would put Dean College under stricter guidelines than with the one-day licenses. ► Mr. Cerel stated that was correct. ► Ms. Farnsworth stated that many campuses have these licenses. She noted that only 30 one-day licenses are allowed in one year. She stated there is great oversight on this license. ► Mr. Hellen stated there is more oversight and accountability with this type of license than with the one-day licenses. The Section 12 License is held by most college communities throughout the Commonwealth. ► Mr. Jones asked if Dean College has policies that address situations of underaged students having alcohol. ► Mr. Drucker stated they have a student code of conduct; there are varying sanctions. ► Mr. Jones stated his only stipulation is that on top of Dean's current policy that these policies be reiterated to the students. ► **MOTION** to Amend the Motion on the floor to include the agreed upon document that Attorney Cerel and Attorney Farnsworth agreed to by **Dellorco. SECOND by Hamblen. No Discussion. ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES. ► VOTE: Yes-8, No-0, Absent-1. ROLL CALL VOTE** (to Approve the request by Dean College to approve the New Section 12 All Alcoholic Beverages License, As Amended, located at 135 Emmons Street, Franklin, MA, and to approve the manager, Kenneth Corkran): **Bissanti-NO; Chandler-NO; Dellorco-NO; Earls-YES; Hamblen-YES; Jones-YES; Kelly-NO; Mercer-YES. ► VOTE: Yes-4, No-4, Absent-1. Motion does not carry.**

PRESENTATIONS/DISCUSSIONS: ► *Coronavirus Updates.* ► Mr. Hellen reviewed the case numbers from the State. As of today, there are 98 confirmed cases in Franklin; about half of those have recovered. The trend is not going in the right direction, but it is mostly due to the increase in testing. He requested the State of Massachusetts release the number of recovered cases. He discussed the Town departments reentry plans. He stated that next week they will begin a library book take-out service. The Youth Services Department will continue to work remotely. Regular recycling hours and services will begin to return to normal and phased in during the next week to 10 days. They are opening the drive-thru window at the municipal building. The Town Clerk's office will begin working from the building with full staff on Monday. He stated he will be sending a memo to the staff regarding requirements for admission to the buildings including face masks, social distancing, proper hygiene, and disinfecting spaces. He stated they will make sure the employees will be held to a high standard with the guidelines and being conscientious to the other staff and their family.

► Chair Mercer reviewed that the governor mandated everyone wear a face mask while in public, effective today. ► Town Council members asked about the preparations and alterations needed in all Town buildings. ► Mr. Hellen stated they have been working with all departments on a schedule so people will not all be coming in at the same time to reduce the interaction. Mandatory temperature readings and self-questionnaires to make sure sick people will not be coming into the buildings to prevent transmission will be conducted. ► Mr. Jones expressed concern about interactions with the public when things start to open. How are they going to set up barriers to prevent close face-to-face interactions to keep the employees and public safe; can they be put in place now? ► Mr. Hellen stated plexiglass and other precautions will be put in place; he is prioritizing what is needed to be done currently in this phase. This is a positive step to get employees back into the building. He stated there is very little substitute for personal responsibility to help reduce the transmission of COVID-19. ► Mr. Dellorco asked if employees will be tested prior to returning to work. ► Mr. Hellen stated it could be two or three more weeks before testing could be done. Temperature guns have been purchased. It will be required for employees to have a temperature reading and complete questionnaires when returning to work. Police and Fire Departments have been doing this for a few weeks.

► **Community Preservation Act (CPA).** ► Mr. Hellen stated this item was discussed in February with a general consensus of Town Council members to move forward with it. Town Attorney Cerel drafted a ballot question. On April 15th Town Council members further discussed this item and asked it to be put on tonight's agenda for Discussion and Legislation for Action. The ballot question includes a three percent surcharge and two exemptions. Given this is a presidential election year, the decision must be made by Town Council by August if this item is going to be put on the November ballot. ► Mr. Kelly stated concern about the three percent surcharge given today's economy; he would like to get this passed. ► Chair Mercer stated he thought that regardless of what percent was decided upon now, it can be adjusted any time prior to going to press for the ballot. ► Mr. Cerel stated that is not correct. It is actually a two-step approval process. This is the first step to approve it; then ratify it. The surcharge amount has to be consistent all the way through. The voters will vote on exactly what the Town Council approves. ► Mr. Bissanti concurred with Mr. Kelly. He requested to hold off on this discussion until Ms. Pellegri is present. He would like to get this on the November ballot. ► Chair Mercer concurred that Ms. Pellegri should be present to discuss this item. ► Mr. Chandler stated he supported putting this on the ballot. He leans toward two to three percent. ► Mr. Jones stated he supports this item; however, the people must make the final decision. He thinks this is a great way to get additional funds into the Town. He encouraged that three percent surcharge should be approved as it would bring in the most money for the Town, and there are State matching funds. ► Ms. Hamblen stated this is a great program. She expressed concern about approving it at three percent and not having it pass by the public. ► Mr. Dellorco stated concern that November is a big election ballot and people may overlook this question. He supports this effort, but maybe this should be put off for a bit. ► Chair Mercer suggested pushing this to the first meeting in June for another discussion when Ms. Pellegri is present with the hope of deciding upon the percentage.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► Mr. Kelly said they met briefly last Monday; another meeting is scheduled for Monday May, 11, 2020 at 5:30 PM so those from the Schools can attend.
- c. **Economic Development Subcommittee.** ► A meeting was held last Monday night, and they discussed inclusionary zoning. Another meeting is scheduled.

LEGISLATION FOR ACTION:

Note: Two-Thirds Vote requires six votes; Majority Vote requires majority of members present and voting.

- a. ***Resolution 20-20: Community Preservation Act, G.L. Chapter 44B, Sections 3-7 Authorization for Ballot Question (Motion to Approve Resolution 20-20, CPA Ballot Initiative - Majority Vote).*** ► This item was not taken.
- b. ***Resolution 20-21: Gift Acceptance - Recreation Department - \$75,000 from the Boston Bruins Foundation (Motion to Approve Resolution 20-21 - Majority Vote).*** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 20-21: Gift Acceptance - Recreation Department - \$75,000 from the Boston Bruins Foundation by **Dellorco**. **SECOND** by **Kelly**. **Discussion:** Mr. Ryan Jette, Recreation Director, stated the donation will be used for the construction of the basketball/street hockey court at Fletcher Field. Construction began on April 15, 2020 on the 120 ft. x 90 ft. combination hockey rink and basketball court. He reviewed the project. ► Chair Mercer thanked Mr. Jette for the effort put forth to obtain the donation. ► Town Council members and Mr. Hellen thanked Mr. Jette and others who worked on this effort. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**
- c. ***Bylaw Amendment 20-857: Chapter 82, Trash and Recycling Fee Increase - Second Reading (Motion to Adopt Bylaw Amendment 20-857 - Majority Roll Call Vote).*** ► Mr. Jones read the bylaw amendment. ► **MOTION to Adopt** Bylaw Amendment 20-857: Chapter 82, Trash and Recycling Fee Increase by **Dellorco**. **SECOND** by **Kelly**. **Discussion:** Mr. Hellen stated this is the second and final vote for the trash and recycling fee increase. Due to the prevailing wage increase and new policies implemented by China, there has been a cost increase; this is a market-based fee. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**
- d. ***Resolution 20-22: Ratification of the Memorandum of Agreement Between Department of Public Works, AFSCME Council 93, Local 1298 Employees and the Town of Franklin (Motion to Approve Resolution 20-22 - Majority Vote).*** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 20-22: Ratification of the Memorandum of Agreement Between Department of Public Works, AFSCME Council 93, Local 1298 Employees and the Town of Franklin by **Dellorco**. **SECOND** by **Kelly**. **Discussion:** Mr. Hellen stated the next five resolutions are the final five required votes to execute the respective collective bargaining agreements. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**
- e. ***Resolution 20-23: Amendment - Library Union Contract (Motion to Approve Resolution 20-23 - Majority Vote).*** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 20-23: Amendment - Library Union Contract by **Dellorco**. **SECOND** by **Kelly**. **No Discussion.** ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**
- f. ***Resolution 20-24: Amendment - Facilities/Trades Union Contract (Motion to Approve Resolution 20-24 - Majority Vote).*** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 20-24: Amendment - Facilities/Trades Union Contract by **Dellorco**. **SECOND** by **Kelly**. **No Discussion.** ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES.** ► **VOTE: Yes-8, No-0, Absent-1.**
- g. ***Resolution 20-25: Amendment - Custodians Union Contract (Motion to Approve Resolution 20-25 - Majority Vote).*** ► Mr. Jones read the resolution. ► **MOTION to Approve** Resolution 20-25: Amendment - Custodians Union Contract by **Dellorco**. **SECOND** by **Kelly**. **No Discussion.** ► **ROLL**

CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES. ► VOTE: Yes-8, No-0, Absent-1.

- h. Resolution 20-26: Amendment - Firefighters Union Contract (Motion to Approve Resolution 20-26 - Majority Vote).** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-26: Amendment - Firefighters Union Contract by Dellorco. SECOND by Kelly. No Discussion. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES. ► VOTE: Yes-8, No-0, Absent-1.**
- i. Zoning Bylaw Amendment 20-854: Changes to §185-40. Water Resource District – 1st reading (Motion to Move Zoning Bylaw Amendment 20-854 to a 2nd Reading - Majority Vote).** ► Mr. Jones read the zoning bylaw amendment. ► **MOTION to Move Zoning Bylaw Amendment 20-854 to a 2nd Reading by Dellorco. SECOND by Kelly. No Discussion. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES. ► VOTE: Yes-8, No-0, Absent-1.**

TOWN ADMINISTRATOR'S REPORT: None.

FUTURE AGENDA ITEMS: ► Ms. Hamblen stated she has been contacted by many people about citizens not being able to email elected town officials especially the Board of Health. Should all elected officials have a town email? ► Mr. Hellen stated as part of the Google transition, they strategically started with email addressed for Town Council and School Committee with other email accounts for elected officials to be phased in over time. He will talk to Tim Rapoza, Director of Technology Services. He stated that only five Planning Board, three Board of Health, and three Board of Assessors members do not have Town emails; so, this should not be too expensive. ► Mr. Kelly requested the meals tax and alcohol sales tax paid by the local college be addressed at a future meeting by the Town Administrator. He would like a memo from the Treasurer/Collector's office indicating if revenue from that source is coming back to the Town as it should.

COUNCIL COMMENTS: ► Ms. Hamblen thanked Franklin TV for their work to provide remote meetings. ► Mr. Chandler stated the budget subcommittee did a great job in setting the tone during their meeting. ► Mr. Bissanti stated he was proud of the people of Franklin regarding how they are handling this crisis situation. ► Mr. Jones hoped everyone continues to stay safe during these times. He thanked the Town Administrator's staff for their hard work. ► Mr. Dellorco gave a shout out to first responders. ► Chair Mercer thanked the first responders for their hard work. He thanked the Board of Health for their work during this crisis.

EXECUTIVE SESSION: None.

ADJOURN: ► **MOTION to Adjourn by Kelly. SECOND by Dellorco. No Discussion. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES. ► VOTE: Yes-8, No-0, Absent-1. Meeting adjourned at 9:31 PM.**

Respectfully submitted,

Judith Lizardi
Recording Secretary

**FRANKLIN TOWN COUNCIL
MINUTES OF MEETING
April 15, 2020**

As stated on the agenda, due to the growing concerns regarding the COVID-19 virus, this meeting will be conducted as a Remote/Virtual Town Council meeting. In an effort to ensure citizen engagement and comply with open meeting law regulations, citizens will be able to dial into the meeting using the provided phone number, or citizens can participate by using the Zoom link provided on the agenda.

A meeting of the Town Council was held on Wednesday, April 15, 2020 as a **Remote Access Virtual Zoom Meeting**. Councilors present: Andrew Bissanti, Brian Chandler, Robert Dellorco, Eamon McCarthy Earls, Melanie Hamblen, Glenn Jones, Matthew Kelly, Thomas Mercer, Deborah Pellegrini. Councilors absent: None. Administrative personnel in attendance: Jamie Hellen, Town Administrator; Mark Cerel, Town Attorney; Chrissy Whelton, Assistant to the Town Administrator.

CALL TO ORDER: ► Chair Mercer called the **Remote Access Virtual Zoom Meeting** to order at 7:06 PM. He confirmed via roll call that Town Council members and Administrative personnel were present and could hear the Chair. ► Chair Mercer called for a moment of silence.

ANNOUNCEMENTS: ► Chair Mercer stated this meeting is being conducted remotely consistent with Governor Baker's executive order of March 12, 2020, regarding the current state of emergency in the Commonwealth due to the outbreak of the COVID-19 virus. In order to mitigate the transmission of the COVID-19 virus, we have been advised and directed by the Commonwealth to suspend public gatherings and as such the governor's order suspends the requirements of the open meeting law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely. He stated that this meeting will feature public comment. He noted the availability of the posted call-in number and Zoom meeting link provided on the agenda for the public to join and participate in the meeting. He reviewed that all supporting meeting materials that have been provided to the Town Council are available on the Town's website unless otherwise noted. He announced this **Remote Access Virtual Zoom Meeting** is being recorded by *Franklin TV* and available for viewing on Comcast Channel 11 and Verizon Channel 29; this meeting may also be recorded by others.

CITIZEN COMMENTS: None.

APPROVAL OF MINUTES: ► *February 12, 2020 and March 19, 2020.* ► **MOTION** to Approve the February 12, 2020 meeting minutes by Kelly. **SECOND** by Jones. **No Discussion.** **ROLL CALL VOTE:** Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES. ► **VOTE:** Yes-9, No-0, Absent-0. ► **MOTION** to Approve the March 19, 2020 meeting minutes as amended to indicate that Ms. Pellegrini was in attendance by Dellorco. **SECOND** by Kelly. **Discussion:** Ms. Pellegrini stated that she was in attendance at the March 19, 2020 Town Council meeting. **ROLL CALL VOTE:** Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES. ► **VOTE:** Yes-9, No-0, Absent-0.

PROCLAMATIONS/RECOGNITIONS: None.

APPOINTMENTS: None.

HEARINGS: 7:10pm. ► *Zoning Map Changes on or Near Pleasant, Chestnut, and Brook Streets.*

*Chair Mercer declared the public hearing open.
Mr. Bissanti recused himself.*

► Mr. Hellen stated this is the latest in a series of lot line clean ups that are part of the lot line clean-up project for parcels with multiple zoning districts on one parcel. He discussed the provided diagram of both the current zoning map and proposed zoning map changes. He stated that the Economic Development Committee approved these zoning map changes. The zoning bylaw amendment was then referred to the Planning Board which at their April 13, 2020 public hearing voted unanimously for recommendation to the Town Council. This will be the first of two readings for this Legislation for Action item to go forward. ► Mr. Jones confirmed the memorandum from the Planning Board dated April 14, 2020 to recommend this zoning bylaw amendment. ► Ms. Hamblen confirmed these zoning map changes were discussed and voted on unanimously by the EDC. ► **MOTION to Close the public hearing by Dellorco. SECOND by Kelly. No Discussion. ROLL CALL VOTE: Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-8, No-0, Absent-0; Abstain-1. (Mr. Bissanti was listed as abstained as he had recused himself).**

Mr. Bissanti re-entered the meeting.

LICENSE TRANSACTIONS: ► Dean College: New Section 12 All Alcoholic Beverages License, Located at 135 Emmons Street, Franklin, MA. ► Mr. Jones read the license transaction. ► **MOTION to Approve** the request by Dean College to approve the New Section 12 All Alcoholic Beverages License, Located at 135 Emmons Street, Franklin, MA, and to approve the manager, Kenneth Corkran by **Jones. SECOND by Kelly. Discussion:** ► Mr. Hellen confirmed this is a new Section 12 All Alcoholic Beverages License. He stated that recently the Town's bylaw was changed for entities like Dean College to have full liquor licenses. Such entities used to come in on an almost weekly basis to obtain one-day liquor licenses. He stated that the Town worked with the ABCC, and the Town's bylaw was amended so such establishments can have a license for the entire year. ► Ms. Trish Farnsworth, Attorney representing the applicant, Dean College, introduced Mr. Kenneth Corkran, the proposed manager and Director of Law Enforcement Services and Risk Management at Dean College, and Mr. Dave Drucker, Dean of Students at Dean College. Ms. Farnsworth stated the college has been procuring one-day licenses in the past; however, administratively, the one-day licenses are burdensome for both the college and the Town. The proposed New Section 12 All Alcoholic Beverages License would be to license the Campus Center. There would be designated areas and floor plans submitted for various events and uses in the Campus Center. These events/uses are for students only, and not for the general public; however, students can bring guests. It was stated that IDs will be checked. Further, Dean College also wants to use this license for other kinds of events such as brunches and meetings. Everyone will be TIPS trained and all people entering must provide ID. People will not be able to take an alcoholic beverage and walk out of the building. ► Mr. Drucker said this would allow the college to have more flexibility and not worry about hitting a maximum number of one-day licenses; there are a number of events that the college runs throughout the year where they would like to use this license. He stated that Campus Safety and law enforcement are present at every event where alcohol is present, and IDs are checked. The college has been doing one-day license events for four to five years and there has never been an incident. This license would allow the college to host these types of events annually. ► Mr. Corkran confirmed such events have been held for four years; the areas have been cordoned off, and officers are present to make sure alcohol is used in the designated areas. ► Mr. Cerel said he has met with and provided direction to some folks at Dean College; this is a perfectly acceptable way to proceed. ► Mr. Hellen reminded Mr. Corkran and Mr. Drucker that TIPS certification training is required and mandated by the Town. ► Mr. Chandler asked for the percentage of students who are 21 years of age or older, and questioned who the manager of the license would be. ► Mr. Drucker said by spring semester 25 percent of Dean's population is 21 years of age or older. ► Ms. Farnsworth said Sodexo handles food and beverages at the

college; they will manage, store, and buy the alcohol. They have employees who are TIPS trained; however, Mr. Corkran is ultimately responsible as the manager on the license, and he will work with Sodexo. ► Mr. Drucker said Sodexo staff who are involved are TIPS certified; they have a locked facility where the alcohol is stored. ► Mr. Dellorco said he understands the events that are organized to bring people in for fundraisers, but asked why is alcohol needed for events for students. He asked how TIPS training would be handled. ► Mr. Drucker stated that at Boomer's Restaurant and in the Atrium in the Campus Center, the college hosts events for students 21 years of age and older to teach them about socially responsible alcohol use. It is a social gathering which averages about 30 to 35 students. It is part of the educational process. He stated Sodexo will provide a list of staff who are TIPS certified. ► Mr. Kelly asked if Mr. Corkran would be TIPS certified. ► Mr. Drucker said that Sodexo will do a train-the-trainer program for anyone else who wants to be TIPS certified. ► Mr. Kelly said the manager on record has always been TIPS certified; he would not like that precedent to be changed. ► Mr. Drucker said Mr. Corkran can be TIPS certified this summer. ► Mr. Cerel said the Town bylaw requires the manager to take the TIPS training. ► Mr. Bissanti reiterated that the manager must be TIPS certified. He stated that he would like to use scanners for ID confirmation rather than eyeballing the ID at the door. ► Ms. Hamblen asked for clarification on how the one-day licenses were handled regarding the manger on record. ► Mr. Hellen said that for the one-day liquor licenses there is a point of contact and not a manager. He confirmed the Sodexo employees and manger on record must be certified. ► Mr. Jones asked for the size of the Campus Center and if alcohol will be allowed to be served in the entire Campus Center or only in the Boomer's restaurant. ► Chair Mercer said alcohol will be allowed anywhere within the Campus Center building. ► Mr. Drucker stated Boomer's is where the majority of the student events would be held; however, Dean hosts many events throughout the year which take place in many different rooms/areas of the Campus Center. ► Mr. Jones stated that as Dean is going to be able to serve alcohol within the 118,000 sq. ft. Campus Center, the college can potentially serve alcohol throughout the entire building at the same time. He is uncomfortable with not having a manager on record for Sodexo. ► Ms. Farnsworth said they are sure they could provide a point person for Sodexo; however, that person's name would not be on the license. ► Mr. Corkran said that they typically do not have multiple events at the same time. ► Mr. Kelly confirmed that this license is just for special events. He asked if Dean College could actually set up a bar. ► Mr. Cerel said the college is requesting a New Section 12 All Alcoholic Beverages License; there is a great deal of flexibility in this. So, they could have this as a bar. However, the Town Council could limit or condition the license. ► Mr. Kelly said his fear is that this could take money from the community and small business owners. For instance, people may go to the bar at Dean and not go to Teddy Gallagher's in the downtown. ► Mr. Hellen stated that any part of the license could be conditioned. He confirmed that anything on Dean's campus is not opened to the general public; it is limited to Dean students, guests, alumni, or other affiliates of Dean College. This will not be another public bar. ► Mr. Kelly said he would like to condition this license; he would like a Memorandum of Understanding (MOU) prepared between the Town and Dean College. The Town community depends on the Dean Community to use and keep the downtown viable. The Town has been working hard to keep the downtown going and to keep downtown Franklin active and vibrant; the MOU is needed to get everyone on the same page. He is worried about the economic future. ► Ms. Pellegrini agreed with Mr. Kelly and stated that she does not want business to be taken away from the downtown area. ► Mr. Cerel confirmed there is the option to place conditions; he suggested that conditioning would be better than a MOU. ► Mr. Drucker said it is important to recognize there is a dining hall on campus, but the students still spend money at local restaurants; he does not see that changing. He stated that students are interested in supporting the local economy. ► Ms. Janet Bederian, on behalf of family members at 128 & 130 School Street, agreed with Mr. Kelly. She stated that she wants to make sure the alcohol is going to be contained in the building and not be outside like when Dean has its carnival event in the spring. ► Mr. Drucker said the college can still obtain one-day liquor permits for areas other than the Campus Center. ► Mr. Cerel confirmed the college can get a one-day liquor license for another part of the property. ► Ms. Bederian said there are not usually problems with the students except during the beginning and end of the school year. ► Mr. Bissanti agreed with Mr. Kelly. He expressed concern for the

merchants and small businesses in Town. He wants to be assured the bar at Dean will only be open for students. He recommended an agreement be formed so this will not hurt businesses in Town, and he recommended this license transaction be continued. ► Mr. Dellorco agreed with Mr. Kelly. He stated that although Mr. Drucker said the students will continue to use the downtown area, he thinks that when alcohol is thrown in, the students may stay on campus. ► Mr. Kelly stated he would like to make a motion that the license transaction be continued to the May 6, 2020 Town Council meeting so the Town Administrator and Dean College can work out a Memorandum of Understanding or an agreed upon set of conditions for the license. ► **MOTION to Continue the License Transaction to May 6, 2020, by Kelly. SECOND by Dellorco. No Discussion. ROLL CALL VOTE: Bissanti-YES; Chandler-NO; Dellorco-YES; Earls-NO; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES. ► VOTE: Yes-7, No-2, Absent-0.**

PRESENTATIONS/DISCUSSIONS: ► Coronavirus Updates. ► Mr. Hellen provided updates related to COVID-19. He said Massachusetts is in the heaviest portion of confirmed virus cases with about 30,000 cases and about 1,000 deaths statewide. They anticipate this trend to continue for the remainder of the month and into early May with about 100 deaths per day expected. He stated that testing is greatly increased with 1,000 tests per day; the testing rate should continue to climb. He stated that as more people are being tested, more cases are confirmed. He stated the governor's stay-at-home advisory is still in effect, and there is now an advisory to wear a face covering when in public. He noted the state has only been in this situation for one month. He stated that he exercised two local options: payment for property tax bills was pushed back to June 1, 2020, and water/sewer/trash and excise tax fees and penalties are waived to June 30, 2020. He noted this is the furthest date that he could extend these options to help the citizens of the Town. He stated that dog licensing is postponed to June 1, 2020. He noted that if anyone has questions, they should call the Treasurer/Collector's office. He provided a public construction projects update. He stated there are weekly department head meetings, and he provided an update of each department. He stated that police and fire have plenty of PPE at the current time; they are doing an amazing job during these times. Facilities has done a great job on instituting a rotating staff schedule, building a disinfection schedule, and disinfecting the vehicle fleet for public safety and DPW. The DPW has a scaled-down crew and is working on an on-call basis to reduce risk to staff; some items can wait another month to be done while some work cannot wait such as repairs on a water break. The Recycling Center will be closed for another few weeks with the hope that it will be open again soon. The DPW administration is working remotely. The Highway/Grounds division is working on as-needed tasks. This is being taken week-by-week to see what the trend is. Employee safety is valued; employees will be working solo or following separation guidelines. He noted the recent storm brought down a lot of trees and much clean-up work was needed. He reviewed the Senior Center's ongoing work and stated that there has been a great level of outreach to seniors. He stated that discussions have been ongoing about a lunch pickup program for seniors; no final decisions have been made. The Public Library staff has been doing great work remotely. Recreation staff are working remotely from home. They will be faced with upcoming decisions regarding youth sports' spring and summer programs. Most communities around Franklin have canceled spring programs. He mentioned that they are going to continue with Earth Day in some fashion as they have the materials and the bags. There should be a self-policing policy of organizing this; he will keep everyone posted. He stated that the Municipal building is closed and everyone has been working remotely. Some staff have been coming in on an as-needed basis. All departments have remote work plans. Assessors have been doing work from home; next week they will be allowed to do inspections from the road. The Treasurer/Collector goes into the building three times per week to process billing and checks coming in. Payroll is being done remotely from home. Everything normally done in the Treasurer's office is continuing. Administrative Assistant Alecia Alleyne has been going in to the building twice per week and has done a great job coordinating all mail pickup for departments. Planning Board, ZBA, and Conservation Commission have been doing remote meetings and taking care of general business. At the recommendation of Town Attorney Mark Cerel, public hearings have been postponed until May. Conservation Agent Jen Delmore is still doing inspections and responding to complaints. Building

inspections are moving forward. He stated the departments should be called for specific information. The Board of Health has been responding to employee and citizen complaints; they are moving forward with their work. The Town Clerk's office staff has been working remotely; the Town Clerk goes into the office as needed and work is proceeding as usual. The Schools developed a remote work plan; he does not know about the date, if any, for schools to reopen; they are awaiting a decision by the governor. He noted that when staff needs access to the building, they must contact Mr. Hellen or the superintendent of schools for approval. He said all staff have been working together and doing a great job to keep services continuing. ► Chair Mercer stated that the recording of tonight's meeting is ongoing; however, Franklin TV's broadcast has been interrupted. ► Town Council members asked questions and agreed that all staff are doing a great job under the circumstances and working very hard. ► Mr. Jones noted that there is a meeting to determine a plan to transition to getting back to normal. He asked that based on available information, when could the employees and the public go back into municipal buildings and back into recreation areas. He stated that a date should be picked to be able to work towards; the date can always be adjusted; a plan must be put together. ► Mr. Hellen said he does not know when the coast will be clear to do this. He thinks there will be a slow incremental return to a new normal. A lot of this will depend on what the governor says. He stated that according to the governor, Massachusetts is just hitting the surge now. Currently, everything is closed until May 4, 2020 per the governor. ► Mr. Kelly expressed concern for the small businesses. If this is lifted on May 4th, he asked what the sanitation plan from the Board of Health is. They should be working right now on getting out simple guidelines for restaurants to reopen; the plan should be prepared now. ► Mr. Hellen said that they have been talking to department heads and Norfolk county managers about what are the incremental steps being taken to get back to normal. He stated the Department of Public Health will mandate the policies to be instituted for restaurants and bars to reopen. ► Mr. Kelly said support must be given to restaurants and small businesses. Those businesses must know what to do. As a community, we need to help them be ready to open on the first day that they are allowed. He wants people to come to Franklin and feel comfortable to shop, to eat, and to work. He stated that Franklin's Board of Health must know some of the things that are going to be needed for getting the small businesses prepared for reopening. Franklin needs to be ready to go. If it requires the Town Council to have a weekly meeting with the Board of Health, then it should be done. ► Mr. Hellen said he will talk to the Board of Health to see if this concern can be addressed at one of their next meeting. He does not think Franklin is behind on this. He thinks they are working on this very well. ► Chair Mercer agreed that Franklin should be the best prepared as possible when they are allowed to reopen. If they can find out what some of the criteria will be for the businesses to reopen, then the businesses can line up the subcontractors and be better prepared. ► Mr. Dellorco stated he agreed with his fellow Town Council members. However, he does not think anything will open up until June based on what he sees in the airport now; he does not want to see a second wave of this virus. He would like the small businesses back to work as soon as possible. ► Mr. Hellen noted that restaurants are open for take-out. Maybe there should be more promotion of this to the public. He noted that no liquor licenses have been returned at the time. ► Mr. Bissanti stated he feels there are many businesses that do not need to be closed right now. Restaurants could probably operate in a limited way with social distancing. He thinks there is arrogance on the governor's part that the governor thinks people can last this long without income. He understands a second wave may be coming. He noted there is some conflicting information and that some CDC information is coming from China; can that information be trusted. He stated he explored with Mr. Hellen what the enforcement is in Franklin; he thinks there is none. He stated that if there is no monetary penalty and there is no clear-cut enforcement, and people are going broke and worried about putting food on the table, what are they supposed to do? ► Mr. Hellen said this is uncharted territory. He said the Department of Public Health works with the governor to determine what businesses are essential and non-essential. There are businesses that could still stay open and do their business on the sidewalk. In terms of enforcement, that comes down to the Board of Health. Most of the time the Board of Health talks to the people if there is a complaint, and they do a public education campaign. There is usually a lot of progress. When doing a compliance check, there is usually a lot of compliance. If that does not work, there is an enforcement mechanism; the COVID-19 Task Force is about

compliance and enforcement. ► Mr. Cerel stated this is not guidelines or suggestions. The governor's order of March 23, 2020, COVID-19 Order #13, has its own enforcement mechanism in it which says the Department of Public Health along with any Board of Health or authorized agent will enforce this order if necessary with state or local police; violation of the terms may result in a criminal penalty, a civil fine, or injunction from district court compelling businesses to remain closed and comply with the order. This is all dependent on if it is an essential business; there are many categories and exceptions. If you fall within a prohibited business, you run the risk of criminal or civil action if you defy that. The governor asserted his authority under the law to do this. The only issue is how actively is this being enforced. ► Discussion commenced about actual enforcement of this order from both state and local levels. ► Mr. Hellen stated that as of now, it seems the Franklin community and businesses have rallied around the governor's orders. ► Chair Mercer stated this was a valuable conversation, and there is much more discussion needed moving forward.

► ***Community Preservation Act (CPA).*** ► Mr. Hellen stated there was a discussion in February on this topic; it was a positive meeting with a lot of community support. At the end of the meeting, after hearing feedback, the Chair of the CPA asked to put forth a ballot question. At this Town Council meeting, the Town Council will consider a possible ballot question; he would like to have further open dialogue about this ballot initiative. ► Mr. Chandler stated he supports the CPA. He asked that if this goes forward, are there any special costs for this to go on the ballot. ► Mr. Hellen stated additional costs would be required to print out a separate ballot in addition to the presidential ballot. ► Mr. Kelly said he was in favor of it, and it is worth putting on the ballot. He expressed concern about the requested percentage as it affects the tax rate. He said the voters should choose. ► Mr. Dellorco said he supports putting it on the ballot. The public must be given the information they need so when they cast their vote, they know what they are voting for. ► Mr. Hellen said if the Town Council is in agreement, the Town Attorney would draft a ballot question and put it on the May 6, 2020, Town Council agenda. The Town cannot do any type of perceived advocacy for this. Citizens and stake holders in the community are a core group of people who would likely start the third-party group to begin fundraising and send out information and educational materials to the public. These would be the months for the community to rally around the initiative before the November ballot. ► Mr. Cerel confirmed the percentage and exemptions must be designated. He recommended a decision be made quickly to allow enough time to provide the information to the community before the election. ► Mr. Bissanti stated support for this initiative, and said it would be a good thing for the Town. ► Chair Mercer asked if Mr. Cerel could proceed with drawing up the ballot question. He asked if the item could then be put on the next Town Council agenda for discussion and vote. ► Mr. Hellen stated yes. He would designate the three percent surcharge as there are then matching funds from the state. If the Town Council wants the three percent to be amended, that can be done. ► Ms. Pellegrini stated they will have to work very hard to get this passed. It is needed and will help the Town for schools, roads, museum and more. They have to think of a way to get the voters to think this is important. ► Mr. Earls agreed it will be challenging to get this passed due to the current times. He asked if it would be better to wait a little longer to engage the public to support it.

SUBCOMMITTEE REPORTS:

- a. **Capital Budget Subcommittee.** ► None.
- b. **Budget Subcommittee.** ► None.
- c. **Economic Development Subcommittee.** ► None.

LEGISLATION FOR ACTION:

Note: Two-Thirds Vote requires six votes; Majority Vote requires majority of members present and voting.

Mr. Bissanti recused himself.

- a. ***Zoning Bylaw Amendment 20-853: Zoning Map Changes on or Near Pleasant, Chestnut, and Brook Streets - First Reading (Motion to Move Zoning Bylaw Amendment 20-853 to a Second Reading - Majority Vote).*** ► Mr. Jones read the zoning bylaw amendment. ► **MOTION to Move Zoning Bylaw Amendment 20-853: Zoning Map Changes on or Near Pleasant, Chestnut, and Brook Streets to a Second Reading by Dellorco. SECOND by Kelly. Discussion:** Mr. Hellen stated Director of Planning and Community Development Bryan Taberner is attending this meeting if anyone has questions. He noted that information on this item was provided during the public hearing earlier in this meeting. ► Ms. Hamblen, EDC Chair, stated the committee voted unanimously. ► **ROLL CALL VOTE: Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-8, No-0, Absent-0.**

Mr. Bissanti re-entered the meeting.

- b. ***Resolution 20-19: Solar Authorization - Maple Street Bellingham (Motion to Approve Resolution 20-19 - Majority Vote).*** ► Mr. Jones read the resolution. ► **MOTION to Approve Resolution 20-19: Solar Authorization - Maple Street Bellingham by Dellorco. SECOND by Kelly. Discussion:** Mr. Hellen stated Maple Street Solar is continuing to move forward with their project which will provide additional revenue for the community. He noted that the other two solar companies involved in solar projects are also continuing to move forward ► Mr. Kelly pointed out this is Maple Street in Bellingham, not Franklin. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES.** ► **VOTE: Yes-9, No-0, Absent-0.**
- c. ***Bylaw Amendment 20-857: Chapter 82, Trash and Recycling Fee Increase - First Reading (Motion to Move Bylaw Amendment 20-857 to a Second Reading - Majority Vote).*** ► Mr. Jones read the bylaw amendment. ► **MOTION to Move Bylaw Amendment 20-857: Chapter 82, Trash and Recycling Fee Increase to a Second Reading by Dellorco. SECOND by Kelly. Discussion:** Mr. Hellen stated DPW Director Brutus Cantoreggi is attending this meeting to answer questions. They are requesting an increase in the curbside trash and recycling fee from \$248 annually to \$278 annually, effective July 1, 2020. This is a \$7.50 increase per quarter. The increase is a direct result of changes to the recycling market in China. He pointed out that this is also a result of the Commonwealth's prevailing wage increase. These are factors which the Town has little or no control. He reviewed the history of this fee and noted it is \$22 lower than it was 15 years ago. The contract in place was agreed upon prior to the COVID-19 crisis. They will continue to work with the contractor to make sure they get the most competitive rates possible. ► Mr. Chandler asked about the 18 percent increase for prevailing wage; he confirmed this means they are getting over \$50 per hour. ► Mr. Cantoreggi stated they were very surprised by the prevailing wage set by the state. ► Mr. Kelly asked if it would be worth bringing the Recycling Committee back to work on this due to the cost of recycling and the direction recycling is going. ► Mr. Cantoreggi said he thinks they do not need to do that at this time. The community is still doing very good with the recycling rate. He noted they are almost paying more for recycling than trash; it would be less expensive to burn the recycling. It is a balancing act right now. ► Mr. Kelly said that is why he is asking if this should be looked into. He does not want to burn the recycling as it would be bad for the environment. Maybe the community would come back and determine it is better for the community to throw away the recycling or just recycle paper. He would like to recycle everything possible; however, the community should make that decision. Maybe the committee should have a few meetings. ► Mr. Hellen said that this may be worthy of a separate discussion in the future. He reviewed the process of the land swap for the Recycling Center facility. Possibly, a recycling center committee could look at what that would look like. Given the financial challenges, this may be a good opportunity to have that kind of committee. He explained that he will be trying to find the money to make the land

swap; they are really close. However, right now, they are looking at getting this fee increase passed for July 1, 2020. ► Ms. Hamblen said it is important for people to remember the fee is less than when they started this program, and smaller barrels are available for a smaller fee. ► Mr. Dellorco said he agrees with Mr. Kelly about getting a committee together. ► Mr. Bissanti said he agreed with all the Town Council members. He did some research on recycled plastics. He noted that China will not take the recycled plastics anymore. He thinks this fee increase is not horrible at this time or a big burden to put on the taxpayers. ► Mr. Jones asked if there is anything that can be done to get the Recycling Center open in light of the recent storm and tree waste. ► Mr. Hellen said they are trying to take it on a week-to-week basis regarding hours of operation at the Recycling Center. ► **ROLL CALL VOTE: Bissanti-YES; Chandler-NO; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegrini-YES. ► VOTE: Yes-8, No-1, Absent-0.**

TOWN ADMINISTRATOR'S REPORT: ► None.

FUTURE AGENDA ITEMS: ► Mr. Kelly said he would like to have a conversation with the Board of Health about a pandemic response to be prepared for anything in the future.

COUNCIL COMMENTS: ► Mr. Bissanti reminded the community that because of these times we are now an electronic community not just a physical community. This is breaking new ground, and it will get better. He thanked everyone for their understanding. ► Mr. Chandler said he is glad that the COVID-19 numbers are now getting released. He said that he thinks people are feeling frustrated about being inside and wondering what is going to happen next. ► Mr. Earls said this is a difficult time. He commended everyone for their efforts in social distancing and flattening the curve. ► Ms. Hamblen thanked Mr. Pete Fasciano and Franklin TV for helping the Town Council bring this meeting to the community. She thanked everyone for keeping the Town moving forward remotely and for all their hard work trying to keep everyone safe. She asked everyone to continue to follow CDC guidelines. ► Mr. Kelly thanked Franklin TV for helping to put on this meeting. He emphasized the need for the Recycling Center to be open. He gave condolences for the passing of John "Jack" Dean who was Mr. Kelly's mentor and good friend. Mr. Dean was the face of real estate in Franklin for many years and was a very good person. Mr. Kelly gave thoughts and prayers to Mr. Dean's family; he will be missed. He encouraged everyone to stay safe. ► Ms. Pellegrini thanked Mr. Hellen for keeping everyone up to date with information. She thanked all first responders for their hard work. She thanked her daughter who works at Mass General Hospital and all workers on the front lines who help everyone. ► Mr. Jones gave a shout out to DPW workers and first responders who responded to Monday's storm; they did a tremendous job. He is glad everyone is following to rules to prevent this virus from getting any worse than it is. He thanked everyone who helped put this meeting on tonight. ► Mr. Dellorco thanked the first responders and DPW for their hard work. He thanked the Town Council for all they do for the community. He encouraged everyone to stay safe. ► Chair Mercer thanked the Town Council members for their work with the community. He thanked the Town Administrator and department heads who have stepped up and gone the extra mile under this crisis situation. He stated that hopefully the plateau will be reached soon and then the downturn will occur to allow businesses to start coming back. He discussed the latest information about the Clark Cutler McDermott plant. He received a call about a machine at the factory that could make PPE. He put the person in touch with the new owner, Rick Kaplan. Mr. Kaplan is allowing the use of the facility, and the hope is to produce PPE gowns for first responders and hospitals. There is still a lot to be done to get the process started, but it is all working in the right direction. He has worked with the State legislature regarding the process and manufacturer to make a surgical gown. Once it is up and running, up to 100,000 PPE gowns could be produced per week. These gowns would be made for distribution in the New England area. Some regulatory approvals have already been received. It will be another 10 days to two weeks before any production. He will keep everyone apprised. It is such a good project to be happening in Franklin's

community; this is the Franklin community stepping up to the plate to do something good. He encouraged everyone to stay safe.

EXECUTIVE SESSION: None.

ADJOURN: ► MOTION to Adjourn by Earls. SECOND by Kelly. No Discussion. ► ROLL CALL VOTE: Bissanti-YES; Chandler-YES; Dellorco-YES; Earls-YES; Hamblen-YES; Jones-YES; Kelly-YES; Mercer-YES; Pellegri-YES. ► VOTE: Yes-9, No-0, Absent-0. Meeting adjourned at 10:18 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

May 12, 2020

Trish Lang Farnsworth
Lawson & Weitzen LLP
88 Black Falcon Avenue, Suite 345
Boston, MA 02210

Dear Ms. Farnsworth:

On behalf of the Town Council, I am writing to provide a statement of reasons in response to the Section 12 All Alcohol license denial that occurred at the May 6, 2020 public hearing. Here is a brief summary of the reasons for denial based upon the comments from the four members of the Council who voted in the negatives:

- Members expressed concern about alcohol being served on a college campus, where the majority of students are underage.
- Members expressed concern regarding student safety, notably at the crosswalk on West Central Street near the dorms, in the event a student was inebriated.
- Members expressed concern of Dean's oversight through its in-house security when actual operation would be by college's outside food service contractor Sodexo.
- Members expressed opinions that there are already an adequate number of existing alcoholic licenses in downtown Franklin and surrounding areas.
- Members expressed concern for the impact on small businesses, notably restaurants, in downtown Franklin that this license may contribute to increased difficult times, with less business from the Dean College community; members also expressed concern this would have a negative revenue impact on the town from less local meals taxes.

I believe this is a fair summary of the concerns raised by members who voted in the negative during the public hearing for this license, which stretched over two meetings and over two hours of deliberation.

Sincerely,

Thomas D. Mercer, Chair
Franklin Town Council

Cc: Ralph Sacramone, Executive Director of the Alcoholic Beverages Control Commission



LAWSON & WEITZEN

RICHARD B. WEITZEN*
PAMELA B. BANKERT, PC*
IRA H. ZALEZNIK
VALERIE L. PAWSON, LLC
GEORGE F. HAILER, PC*
KENNETH B. GOULD
GEORGE E. CHRISTODOULOU, PC
DAVID A. RICH, LLC*
PATRICIA L. FARNSWORTH
K. SCOTT GRIGGS***
STEVEN M. BUCKLEY
KENNETH B. SKELLY***
GLENN P. FRANK*
J. MARK DICKISON**
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BRENDAN P. SLEAN
NAVEED CHERAGHCHI
AMANDA ABELMANN**
MOLLY M. CARROLL

* ALSO ADMITTED IN NY
** ALSO ADMITTED IN NH
*** ONLY ADMITTED IN PA
* ALSO ADMITTED IN DC
** ALSO ADMITTED IN RI
*** ALSO ADMITTED IN RI, CT, NH

Direct Dial: 617-603-3732

E-Mail: TFarnsworth@Lawson-Weitzen.com

May 20, 2020

VIA: FIRST CLASS MAIL and EMAIL DELIVERY

Ralph Sacramone, Executive Director
Alcoholic Beverage Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150

Re: *Application for Section 12 All Alcoholic Beverages License
Dean College
99 Main Street, Franklin*

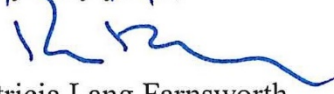
Dear Mr. Sacramone:

Pursuant to G.L. C. 138 Section 67 I am enclosing a Notice of Appeal in response to the decision by the Town Council of Franklin on May 12, 2020 denying the Application for a new all alcohol beverages on-premise license to operate at the Campus Center located at 99 Main Street in Franklin

Should you have any questions or require additional clarification on this matter, please contact me at 617.439.4990 or tfarnsworth@lawson-weitzen.com.

Thank you for your assistance.

Very truly yours,



Patricia Lang Farnsworth

encl.

cc: Mark G. Cerel, Esq; Town Attorney

**COMMONWEALTH OF MASSACHUSETTS
ALCOHOLIC BEVERAGES CONTROL COMMISSION**

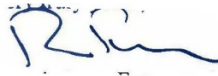
In Re: Dean College

**NOTICE OF APPEAL
UNDER G.L. C. 138 SECTION 67
FROM A DECISION OF THE
LICENSING BOARD FOR THE TOWN OF FRANKLIN**

Dean College, hereby appeals pursuant to G.L. c. 138, § 67 from a decision dated May 12, 2020 by the Town Council as the local licensing authority for the Town of Franklin and received by Dean College on May 14, 2020 denying the Application for a new all alcoholic beverages on-premises license to operate at the Campus Center located at 99 Main Street, Franklin.

Dean College

By its attorney,



Patricia Farnsworth (BBO#564576)
Lawson & Weitzen LLP
88 Black Falcon Avenue, Suite 345
Boston, MA 02210
(617) 439-4990
(617) 439-3987 (fax)
tfarnsworth@lawson-weitzen.com

Dated: May 20, 2020

CERTIFICATE OF SERVICE


I, Patricia Lang Farnsworth, Counsel for Dean College, hereby certify that, on this 20th day of May 2020 I served a true and accurate copy of the foregoing upon counsel of record for Franklin Town Council by email and first class mail:

Mark G. Cerel, Esq.

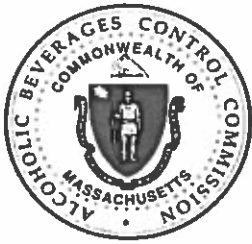
Franklin Town Attorney

355 East Central Street,

Franklin, MA 02038

A handwritten signature in blue ink, appearing to read 'PLF', is positioned above a horizontal line.

Patricia Lang Farnsworth



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

DECISION

**DEAN COLLEGE
99 MAIN STREET
FRANKLIN, MA 02038
LICENSE#: NEW
HEARD: 11/04/2020**

This is an appeal from the action of the Town of Franklin (the "Local Board" or "Franklin") in denying the M.G.L. c. 138, § 12 all alcoholic beverages license application of Dean College ("Applicant"), to be exercised at 99 Main Street¹, Franklin, Massachusetts. The Applicant timely appealed the Local Board's action to the Alcoholic Beverages Control Commission (the "Commission" or "ABCC"), and a hearing was held on Wednesday, November 4, 2020.

The following documents are in evidence:

1. Dean College's c. 138, § 12 License Application, 3/11/2020;
2. Minutes of Local Board Meeting, 4/15/2020;
3. Letter from Applicant's Counsel to Town of Franklin, 4/29/2020;
4. Minutes of Local Board Meeting, 5/6/2020;
5. Local Board's Statement of Reasons, 5/12/2020.

There is one (1) audio recording of this hearing, and five (5) witnesses testified.

FINDINGS OF FACT

The Commission makes the following findings of fact:

1. Dean College is a private college and registered Massachusetts corporation with a business address of 99 Main Street, Franklin, Massachusetts. Dean College is a not for profit corporation founded more than 150 years ago. (Testimony, Exhibit 1)
2. For approximately four (4) years, the Town of Franklin has issued to Dean College, pursuant to M.G.L. c. 138, § 14, numerous one-day special licenses for events with alcohol service on campus at the Campus Center. (Testimony, Exhibits 1, 2)

¹ The business address of Dean College is 99 Main Street, Franklin, Massachusetts. The actual address of the Campus Center, where the proposed license would be exercised, is 135 Emmons Street, Franklin, Massachusetts.

3. M.G.L. c. 138, § 14 states, “In a city or town wherein the granting of licenses to sell all alcoholic beverages or wines and malt beverages only is authorized under this chapter, special licenses for the sale of wines and malt beverages only, or either of them, may be issued by the local licensing authorities, to the responsible manager of any indoor or outdoor activity or enterprise; provided, however, in any city or town wherein the granting of licenses to sell all alcoholic beverages is authorized under this chapter, special licenses for the sale of all alcoholic beverages or wine and malt beverages only, or any of them, may be issued by the local licensing authorities to the responsible manager of any nonprofit organization conducting any indoor or outdoor activity or enterprise. Special licenses for the dispensing of wines and malt beverages in dining halls maintained by incorporated educational institutions authorized to grant degrees may be granted by the local licensing authorities in such a city or town to such institutions; provided, that such beverages shall be served only to persons over twenty-one years of age....A license under this section shall not be granted to any person while his application for a license under section twelve is pending before the licensing authorities.” M.G.L. c. 138, § 14
4. 204 CMR 7.04 states in part “No special license, other than a special license for a dining hall maintained by an incorporated educational institution authorized to grant degrees, shall permit sales on more than 30 days, nor may any person be granted special licenses permitting sales on an aggregate of more than 30 days in any calendar year, except as authorized by 204 CMR 7.04.” 204 CMR 7.04
5. On March 11, 2020, following discussions with the Town of Franklin, the Applicant submitted to the Local Board an application for a M.G.L. c. 138, § 12 all alcoholic beverages license and the approval of an Alcoholic Beverages Management Services Agreement with Sodexo Management, Inc. (“Sodexo”). The license would be exercised at the Campus Center located at 135 Emmons Street, Franklin, Massachusetts. The Campus Center is a multi-use facility, comprised of a multitude of venues wherein the applicant would hold events. (Testimony, Exhibits 1, 2, 4)
6. Dining Services, including food and non-alcoholic beverages, are currently managed for Dean College by Sodexo. In addition, Sodexo has catered the events licensed by the one-day licenses at Dean College. With an annual license, Sodexo would manage, store, and purchase the alcohol. Sodexo provides facilities management and food services to schools, universities, hospitals, senior living communities, venues, and other industries across the United States. (Testimony, Exhibits 1, 2)
7. Kenneth Corkran as the proposed manager of record would ultimately be responsible. Mr. Corkran has been employed by the Applicant since 1996 and serves as the Director of Law Enforcement Services & Risk Management. He has worked closely with Sodexo in their work catering events licensed by the one-day licenses. Id.
8. Dean College would operate with an annual license as it had over the last several years when obtaining special one-day licenses for events. Id.
9. Events held on the licensed premise would not be open to the public but rather limited to Dean students, guests, alumni, or other affiliates of Dean College. (Testimony, Exhibits 2, 3, 4)

10. The Bylaws of the Town of Franklin were recently amended, by a unanimous vote of Town Counsel, with said amendment allowing Dean College, among other venues in Franklin, to obtain a § 12 license. (Testimony, Exhibit 2)
11. Mr. Corkran is the Dean College employee who has been working with Franklin in regularly obtaining one-day licenses. Several years ago, he was advised by Town officials to consider doing something differently as he was spending a great deal of time in securing the one-day licenses. In addition, given 204 CMR 7.04, the Applicant was limited to no more than 30 one-day licenses per year. Mr. Corkran was advised an annual license may be a better option as Dean College was consistently applying for one-day licenses and going through the administrative process, sometimes at the last minute when events were not planned far in advance. Id.
12. There have been no disciplinary incidents associated with any of the one-day licenses issued by the Local Board to the Applicant. Id.
13. The Local Board held a hearing on April 15, 2020, regarding Dean College's application for a § 12 all-alcoholic beverages license. Concerns were raised regarding the number of under-age students at Dean College, the safety of students, the number of existing alcoholic beverages licenses in downtown Franklin and the economic impact on town and local businesses. Id.
14. At the April 15, 2020 Town Council meeting:

Council Member Matthew Kelly "said his fear is that this could take money from the community and small business owners. For instance, people may go to the bar at Dean and not go to Teddy Gallagher's in the downtown."

Mr. Jamie Hellen, Franklin Town Administrator, responded to Mr. Kelly and "stated that any part of the license could be conditioned. He confirmed that anything on Dean's campus is not open to the general public; it is limited to Dean students, guests, alumni, or other affiliates of Dean College. This will not be another bar."

Council Member Deborah Pellegrini "agreed with Mr. Kelly and stated that she does not want business to be taken away from the downtown area."

Council Member Andrew Bissanti also "agreed with Mr. Kelly. He expressed concern for the merchants and small businesses in Town. He wants to be assured the bar at Dean will only be open for students. He recommended an agreement be formed so this will not hurt businesses in Town and he recommended this license transaction be continued." (Exhibit 2)
15. The April 15, 2020 hearing was continued, and the Local Board directed the Applicant to work with Town Administrator Hellen, and Town Attorney, Mark G. Cerel, on proposed conditions to address concerns raised at the public hearing. (Testimony, Exhibit 2)
16. Dean College collaborated with Messrs. Hellen and Cerel and formulated three (3) proposed conditions to satisfy concerns raised at the April 15, 2020 hearing. Mr. Hellen believed the proposed conditions would address said concerns. (Testimony, Exhibit 3)

17. On April 29, 2020, the Applicant, through its counsel, submitted a letter to the Local Board with three (3) proposed conditions to address the concerns raised at the public hearing of April 15, 2020. The conditions are as follows:

- i. Sale/Service of alcoholic beverages only to Dean College faculty, staff, alumni, students and their guests and other authorized individuals;
- ii. Sale/Service of alcoholic beverages limited to the following areas: Boomers, Golder Room, Guidrey Center, Atrium, Dining Center, Mainstage, and the Campus Center Concourse²;
- iii. Sale/Service of alcoholic beverages at no more than three (3) events at the same time. Id.

18. The Local Board held a second hearing on May 6, 2020 to consider Dean College's application and the proposed conditions. (Testimony, Exhibit 4)

19. At the May 6, 2020 hearing:

Town Council Member Bissanti "stated he had mixed feelings as this is going to be a bar, and it is going to go up against another bar in the downtown area. He stated Dean College already enjoys the privileges of bars and restaurants in the downtown area, so they do not really have a need."

Town Attorney Cerel "stated the applicant could take the position that they be opened to the public, but they have agreed otherwise. While the licensing authority has discretion to approve or deny an application for a license, increased economic competition is not a valid consideration."

Mr. Bissanti "stated his point is that on a campus where there is only 25 percent of the students of drinking age, and they are surrounded by other bars and businesses, this is not needed..." (Exhibit 4)

20. The Board voted on the approval of the application which resulted in a 4-4 tie, with one member absent. Therefore, the Local Board denied Dean College's application. (Testimony, Exhibit 4)

21. On May 12, 2020, the Local Board provided Dean College with its statement of reasons which outlined comments from the four members of the Town Council who voted in the negative as to approving Dean's application. The comments included:

*Members expressed concern about alcohol being served on a college campus, where the majority of students are underage.

*Members expressed concern regarding student safety, notably at the crosswalk on West Central Street near the dorms, in the event a student was inebriated.

² The listed areas are all located within the Campus Center.

*Members expressed concern of Dean's oversight through its in-house security when actual operation would be by college's outside food service contractor Sodexo.

*Members expressed opinions that there are already an adequate number of existing alcoholic licenses in downtown Franklin and surrounding areas.

*Members expressed concern for the impact on small businesses, notably restaurants, in downtown Franklin that this license may contribute to increased difficult times, with less business from the Dean College community; members also expressed concern this would have a negative impact on the town from less local meals tax. (Exhibit 5)

22. The Applicant timely filed an Appeal with the Alcoholic Beverages Control Commission.

DISCUSSION

Licenses to sell alcoholic beverages are a special privilege subject to public regulation and control for which states have especially wide latitude pursuant to the Twenty-First Amendment to the United States Constitution. Connolly v. Alcoholic Beverages Control Comm'n, 334 Mass. 613, 619 (1956); Opinion of the Justices, 368 Mass. 857, 861 (1975). The procedure for the issuance of licenses to sell alcoholic beverages is set out in M.G.L. c. 138. Licenses must be approved by both the local licensing authorities and the Commission. M.G.L. c. 138, §§ 12, 67; see Beacon Hill Civic Ass'n v. Ristorante Toscano, Inc., 422 Mass. 318, 321 (1996).

The statutory language is clear that there is no right to a liquor license of the type specified in M.G.L. c. 138, § 12. As Section 23 provides in pertinent part,

[t]he provisions for the issue of licenses and permits [under c. 138] imply no intention to create rights generally for persons to engage or continue in the transaction of the business authorized by the licenses or permits respectively, but are enacted with a view only to serve the public need and in such a manner as to protect the common good and, to that end, to provide, in the opinion of the licensing authorities, an adequate number of places at which the public may obtain, in the manner and for the kind of use indicated, the different sorts of beverages for the sale of which provision is made.

M.G.L. c. 138, § 23.

A local licensing authority has discretion to determine public convenience, public need, and public good, with respect to whether to grant a license to sell alcoholic beverages. See Donovan v. City of Woburn, 65 Mass. App. Ct. 375, 378-379 (2006); Ballarin, Inc. v. Licensing Bd. of Boston, 49 Mass. App. Ct. 506, 510-511 (2000). A local board exercises very broad judgment about public convenience and public good with respect to whether to issue a license to sell alcoholic beverages. Donovan, 65 Mass. App. Ct. at 379.

It is well-settled that the test for public need includes an assessment of public want and the appropriateness of a liquor license at a particular location. Ballarin, 49 Mass. App. Ct. at 511. In Ballarin, the Appeals Court held that "Need in the literal sense of the requirement is not what the statute is about. Rather the test includes an assessment of public want and the appropriateness of a liquor license at a particular location." Ballarin, 49 Mass. App. Ct. at 511, 512.

In Ballarin, the Court identified factors to be considered when determining public need:

Consideration of the number of existing licenses in the area and the views of the inhabitants in the area can be taken into account when making a determination, as well as taking into account a wide range of factors-such as traffic, noise, size, the sort of operation that carries the license and the reputation of the applicant.

Ballarin, 49 Mass. App. Ct. at 511.

In reviewing the decision of a denial by a local licensing authority, the Commission gives “reasonable deference to the discretion of the local authorities” and determines whether “the reasons given by the local authorities are based on an error of law or are reflective of arbitrary or capricious action.” Great Atlantic & Pacific Tea Co., Inc. v. Board of License Comm’rs of Springfield, 387 Mass. 833, 837, 838 (1983); see Ballarin, Inc. v. Licensing Bd. of Boston, 49 Mass. App. Ct. 506, 512 (2000) (when reviewing the local licensing authority’s authority, court does not assess the evidence but rather “examine[s] the record for errors of law or abuse of discretion that add up to arbitrary and capricious decision-making”). However, while this discretion of the local licensing authority is broad, “it is not untrammled.” Ballarin, 49 Mass. App. Ct. at 511. In Donovan, the Appeals Court held “Neither the [local board’s] broad discretion nor the limitations on judicial review, however, mean that the [local board] can do whatever it pleases whenever it chooses to do so.” Donovan v. City of Woburn, 65 Mass. App. Ct. 375, 379 (2006). “Instead, ‘[w]here the factual premises on which [the board] purports to exercise discretion is not supported by the record, its action is arbitrary and capricious and based upon error of law, and cannot stand.’” Id. (quoting Ruci v. Client’s Sec. Bd., 53 Mass. App. Ct. 737, 740 (2002)).

A Board must state the reasons for its decision whether or not to issue the liquor license. M.G.L. c. 138, § 23. “Adjudicatory findings must be ‘adequate to enable [a court] to determine (a) whether the . . . order and conclusions were warranted by appropriate subsidiary findings, and (b) whether such subsidiary findings were supported by substantial evidence.’” Charlesbank Rest. Inc. v. Alcoholic Beverages Control Comm’n, 12 Mass. App. Ct. 879, 880 (1981) (quoting Westborough v. Dep’t of Pub. Util., 358 Mass. 716, 717-718 (1971)). General findings are insufficient, and if the licensing board does not make sufficient findings, “it remain[s] the Commission’s obligation to articulate the findings of fact, which were the basis of the conclusions it drew,” and not merely adopt the findings of the board. Charlesbank Rest. Inc., 12 Mass. App. Ct. at 880.

In issuing its decision, the Local Board made specific and particularized findings, which the Commission determined are not fully supported by the record of the proceedings before the Local Board.

The Local Board for the last approximately four (4) years has issued one-day special licenses to Dean College on a regular basis. Several years ago, Dean College and Town officials began discussions about Dean obtaining an annual § 12 All Alcoholic Beverages License. The Applicant’s obtaining an annual license would alleviate the administrative burden involved with one-day special licenses and was viewed as a benefit to both Dean College and the Local Board. In fact, Dean College was encouraged to apply for a § 12 license by the Town. (Exhibits 2, 4)

The operation at Dean College would not significantly change if granted an annual § 12 license. The Applicant would continue to host a similar number of events of the same type as it has hosted utilizing one-day special licenses. Id.

Dean College collaborated with the Town of Franklin in formulating conditions to be placed on the license to address concerns voiced by Town Council. At all times during the process, Dean College worked hand in hand with Town officials in applying for and formulating conditions for the license, a license under which Dean College would operate in the same manner it has for several years utilizing one-day special licenses. (Exhibits 2, 3, 4)

The Local Board's findings as to an adequate number of existing licenses in downtown Franklin and surrounding areas, and the impact a license at Dean College would have on small businesses seems to be based on a mistaken belief that Dean College would operate as a bar and be open to the public. That is not the case. In fact, an annual license at Dean College would be exercised only for events in designated areas within the Campus Center. Dean has been obtaining special one-day licenses for such events for years. Said special licenses having been issued by the Local Board without question. Id.

The Local Board's remaining concerns included student safety, the use of a management services company to assist with operating events and the fact that most Dean College students are under the age of 21. While these concerns are certainly legitimate, the evidence here illustrates Dean College has a proven track record of successfully dealing with said issues as they have been serving alcohol under special one-day licenses without incident for years. Id.

The Commission finds the denial by the Local Board is arbitrary and capricious and not supported by the record.

CONCLUSION

Based on the evidence, the Alcoholic Beverages Control Commission **DISAPPROVES** the action of the Local Board in denying the M.G.L. c. 138, § 12 all-alcoholic beverages application of Dean College d/b/a Dean College Campus Center. The Commission remands this matter to the Local Board with the recommendation that the Local Board grant the application for a § 12 all alcoholic beverages license and submit it to this Commission for its consideration of approval in the usual administrative course.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio, Chairman

Jean M. Lorizio

Crystal Matthews, Commissioner

Crystal Matthews

Deborah A. Baglio, Commissioner

Deborah A. Baglio

Dated: June 30, 2021

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty (30) days of receipt of this decision.

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cc: Trish Farnsworth, Esq.
Louis Cassis, Esq.
Frederick G. Mahony, Chief Investigator
Local Licensing Board
Administration, File