

SELECTMEN'S MEETING MINUTES
July 14, 2009

Members Present: Paul Feeney, Chairman
Lynda Walsh, Vice Chairman
Paul Mortenson, Clerk
Lorraine Brue
Larry Harrington

Others present: Andy Gala, Town Manager
Randy Scollins, Finance Director
David Brown, Zoning By-Law Review Committee
Dan Murphy, Gillette Stadium
George Bell and Joel Angelico, Stadium Advisory Committee
Police Chief O'Leary
Fire Chief Roger Hatfield

The meeting was brought to order at 7:00 p.m. by Paul Feeney, Chairman.

7:00 – Citizens Input – No one present for Citizens Input.

7:01 – Zoning By-Law Review – David Brown introduced other members of the Committee: Kevin Weinfeld, Mike Saegh, Bill Casbarra, Barnett Ovrut, and Attorney Mark Bobrowski, consultant. He announced that the report is on the Town Web Site. He explained the Committee went through the By-Laws and corrected typos, misspellings, etc. and added wording for clarification with no really big changes. He said the Committee found some areas that result in five additional amendments to the Zoning By-Law. David briefly reviewed each of the six articles to be brought before Town Meeting and approved by a two-thirds vote.

Attorney Bobrowski “walked” the Board through the eleven sections. He noted particularly that no districts have been changed. The Table of Uses – added a few new uses such as Family Day Care and all the use classifications have been retained as they appear in the existing By-Law. He pointed out that there are no changes in dimensional requirements; bringing the tables together with language that is clearer. He said Section 5 is the section that has been substantially rewritten since the last revisions in 1991. The statutory language is unclear and this section provides some guidance in that area. He said much of the By-Law is just relocating things rather than writing new rules. A brief discussion was held on S1 district that has been broken out in Article 5. David Brown explained that in S1 some of the numbers have been changed in terms of size and setbacks. These changes allow for more mixed use in the Route 1 area with the hope that this will encourage development of that area. Attorney Bobrowski said the statute on zoning may change and the Town may have to republish if the statute changes. Criteria for a

Special Permit has been updated and provides that a separate site plan review appeal be referred directly to court. A few brief comments were made by the members of the Board in support of this proposed revision of the By-Law.

Kevin Weinfeld said there would be Public Hearings by the Planning Board for everything that is in this revision of the By-Law for public input. He said the section on S1 is very important invariably just about everyone has to go to the Zoning Board; he said it was not planned that way but that is the way it turned out and hopefully it will be better for development of the Town. In terms of the apartment by-law the new changes are making it more enforceable, purpose is still basically the same, it just needed to be brought up to date. Kevin pointed out that this is much easier to understand. David Brown asked to be put on the agenda next month as by then the Board would have had time to go through it and if the Board has any questions, they could channel them through Bill Casbarra so that they could come prepared ahead of time to answer questions. Paul Feeney said in terms of process – Aug. 15th another meeting with the Review Committee and the BOS, Sept. 15 Planning Board conducts required Public Hearing, and continue with meetings throughout October and go to Town Meeting in November. David Brown said that since this Review Committee is a BOS committee, the BOS should put the Revised By-Laws articles on the Warrant and from that any Zoning articles on the Warrant have to go to the Planning Board for recommendation. He also pointed out that there has to be more and more education for the citizens on this as the Town Meeting approaches. He also commented on the fact that there has been no representative from the BOS but it would be good to have a member of the Board who would try to move this along as smoothly as possible to get it on the Warrant. Paul Feeney asked what would be so controversial that the Board would have trouble with. Nothing in particular was pointed out. Kevin Weinfeld said hopefully people will look and see that it is much more user friendly and that it is a benefit with no major changes but mostly clean up and with new uses that need to be addressed.

Paul Mortenson asked if these changes could make it possible for a large store such as WalMart or Home Depot to now be built on Route 1. Bill Casbarra said there is nothing in the article that is so substantial that it would change the nature or character of a district. On Route 1 there is still a limit on the amount of mixed use; outside of the EOD one could not have a large store. The By-Law prohibits a retail stand alone store. The change allows for 50% of building for retail but is very restrictive. Paul had a question on apartments on the second floor of a business building; he referred specifically to possible apartment on the second story of the Boch Building in downtown. David Brown explained that that had been put aside because at present there is no additional sewerage capacity to support that. He felt that it was not the appropriate time to go forward with that. He asked about the home office piece, in regard to parking. Bill Casbarra said nothing has changed about that. David Brown explained that the Committee has tried to distinguish between those who would have an impact on the neighborhood and those who

would be just working from home on a computer. Attorney Mark Bobrowski pointed out the key things to focus on are non-conforming uses and structures, job descriptions that each official plays out, Administration, and the Table of Uses and Definitions; he said those are the places where "the rubber meets the road". Paul Mortenson expressed concern that perhaps the changes would indicate that either the Town really hates businesses or has loosened things up. Attorney Bobrowski recommended a bit of flexibility in areas in parking, loading, buffer screening or performance standards. He gave an example of why he recommends that.

Lorraine Brue asked how easy it would be to change the by-law to include apartments above commercial businesses, would it be through a separate by-law or it is somehow included in this revision. The response was that it would likely be a separate article for Town Meeting to adjust the general business district to do what one might want to do; that is to define how many apartments are being considered and any other requirements relative to that. She asked for a discussion on suggestions made regarding changes to the Economic Overlay District By-Laws. Kevin Weinfeld explained that they felt the Kraft Group needed to come to the Planning Board to express their ideas in open session to get a better feeling for what it was before including it "wholesale" into a document like this; similar to what has been done in the past.

Larry Harrington expressed concern about the size of the 100 page document. He suggested putting a document together showing exactly what has changed even if it is just a spelling word. If an executive document such as that could be put together ahead of time it just might help the Town Meeting to move along a little faster. He gave an illustration of what might be confusing. One thing to try to anticipate is that people might have questions about why and having some explanation before the voter might help to make it easier to make an informed vote. Larry asked if the Committee might think about putting something together regarding a political solution that could really move the sewer issue forward. He asked if it would be advisable as part of the process before being disbanded as a committee to start to draft something that has been deferred which is the downtown district, so that if it could be moved forward, could potentially at the same time this document comes to Town Meeting maybe have a by-law and have it approved at the same time. A brief discussion was held on how to prepare a document giving summaries of changes made.

7:50 – Public Hearing – N.E. Patriots Home Games for 2009 Season – Paul Mortenson, Clerk, read the Public Hearing Notice. The purpose of the Public Hearing to discuss the application for the New England Patriots home games and potential playoff games for the 2009 season. Dan Murphy, Gillette Stadium and George Bell, Stadium Advisory Committee were present. Dan noted that this is the 50th Anniversary of the Franchise. He said this is the standard two preseason games, eight regular season games and up to two post season games including the open practice, the date to be determined. He said the traffic pattern is consistent

with past years, specifically new restrictions put in place with the Town of Walpole. The seating plan is consistent with previous season. The parking lots open four hours before the game under the direction of the Chief of Police; Stadium gates are open two hours before the game and are closed within two hours of the end of the game and again partnering with the MBTA to have service from Boston and Providence. The public health systems are all in place; the first inspection by the Board of Health is scheduled to be this Saturday for the Elton John concert. Opening night game is scheduled for Sept. 14, 2009 vs. the Buffalo Bills at 7:00 p.m. The last three games of this season are subject to flex scheduling for nationally televised games. He pointed out that this year is the first year with full Patriot Place in effect so will be working closely with all Town agencies as well as Stadium internal staffing to monitor all restaurants and the hotel on a game by game basis. He said a very proactive early intervention program is in place with staff and the police department. Fans can text messages to a command center on any issues that may arise.

George Bell gave a brief summary of the Stadium Advisory Committee report. He said the Committee is very impressed with the approach that the Chiefs and the Stadium are taking in the relation to the coverage at the Stadium. The Public Safety people highlighted a new detail of the template for various staffing levels based on various capacities. He said some concerns were raised relative to the 4,000 general admissions and some issues early in the season where ushers were not covering in the areas where typically people will want to stand. The Stadium has assured the Committee that they will staff to the same level they did at the end of the last season. George reported that as a Committee they voted to recommend approval.

Paul Feeney asked Chief Hatfield to talk about the egress. He explained that the Building Dept. has an egress capacity of approximately 120,000 people that can egress the Stadium in a ten minute period. Lynda Walsh had a question regarding opening of the lots four hours before the game and that was also in the report by the Stadium Advisory Committee but in the licensing and conditions it says three hours. Dan Murphy explained the posted time for a 1:00 o'clock game would be 9:00 a.m., if there is a traffic queue on Route 1, a decision is made by the Police Chief on opening the lots. Lorraine suggested that perhaps it should be changed on the license application. She also raised a question about a number of people she saw still tailgating at 8:30 or 9:00 o'clock for an event that was supposed to end around 6:00, what is the typical time that those lots were supposed to be cleared. Dan Murphy explained if Rt. 1 can handle the flow of traffic, the lots would be cleared. Dan explained that there was a tremendous traffic jam and they chose not to clear the lots on Route 1 because it could not handle the capacity. She said she did not see any traffic backup, just seeing a continuation of events where there was no security or police presence; she is trying to understand what the acceptable limits are for open drinking in parking lots after an event. She asked the Chief about radio equipment functionality she wanted to inquire about the

status of that. Chief Hatfield said they worked very closely with the Stadium to rebuild the repeater system; so far it has gone well except for a few little blips. He explained steps that will be taken to rectify those during the Elton John/Billy Joel concert. Larry Harrington explained that the Board had received documentation from the Police and Fire Chiefs with their support and asked that they each make a few comments. Chief O'Leary said they are working to develop a NIMS, an internal document to bring some stability and continuity to the operations for Patriot games and other events. He said the Patriot Organization and the NFL are very concerned about issues concerning stadium security and fan conduct. He is working closely with partners at the Stadium to make sure that the environment is a safe haven for fans to enjoy the event and go home safely. Chief Hatfield said that having some type of public safety structure that mirrors each other would be a great step forward. He said that as they go forward, training is going to be a big part of that; everybody goes through it in regards to Mass Casualty, Hazmat and to utilize all resources and be working together so that should there be a "what if" situation that all would be better prepared. He is in support of the license but pointed out that this would be a level 4 detail and that other policies and procedures that are in place be followed. George Bell explained what the responsibilities of the Stadium Advisory Committee and what they do at the actual event. He said there is a Hot Line set up so that a person could call in a concern and members of the Committee are on site to monitor activities during an event. A summary sheet is forwarded to the Town as a follow-up on what happened during an event.

Motion by Lynda Walsh to close the Public Hearing. Seconded by Larry Harrington.

Lorraine Brue inquired about having a general discussion now considering that the Board is going into Executive Session for discussion later. Paul Feeney said that if there is anything to add for discussion in the Public Hearing, it should be added now otherwise if it is something that this Board should deliberate then discussion would be on the motion to approve or not approve. Andy Gala noted that there have been several meetings regarding staffing programs and the ramifications and parking, he asked whether the Board planned to amend the conditions of the license and to vote on approval at this meeting. Lorraine said there were a number of Executive Session meetings with another one planned after this meeting, she felt the Board should consider licensing the following week. Paul Feeney pointed out that the public hearing is to receive input from the applicant, from Stadium Advisory and the audience. Any deliberations will take place after the Public Hearing when licensing would be discussed. **Vote: 5-0-0**

Lynda Walsh explained why she wanted to continue discussion by continuing the Public Hearing.

Motion by Paul Mortenson to reconsider the motion on closing the Public Hearing. Seconded by Lynda Walsh. **Vote: 5-0-0**

Motion by Paul Mortenson to continue the Public Hearing until the next scheduled meeting. Seconded by Lynda Walsh.

Lynda Walsh asked Dan Murphy if there would be a problem if the Board waits two weeks to make a motion on this application. She also asked if he, George Bell, and Police and Fire Chiefs if they could be present at that meeting to have further discussions. She felt they should all be involved in discussions. Paul Feeney said the Board has had Executive Sessions to discuss deployment of security personnel at the Stadium; there are still unresolved issues that the Board feels should be resolved before licensing any of the events there. He said the Board apparently wants to keep the public hearing open so that the Board can continue discussions tonight in Executive Session and maybe another Executive Session and to meet again in a Public Hearing to finally resolve any matters that need to be resolved.

Lynda Walsh asked Dan Murphy for an answer to her question. Dan Murphy said he has not been to an Executive Session so he doesn't know except for what he reads in the paper and sees on cable what the issues are. He understands that there are staffing issues at Stadium events; he is not available to come in two weeks as there is a Concert that night. He doesn't know what the issues are. He pointed out that the Chief staffs; no one at Patriots Stadium has ever denied a detail. Any detail or equipment that was ever asked by the Chief of Police, he said the Chief could concur, he has gotten. Dan said, not having the benefit of being in an Executive Session, he doesn't know if there are other issues that are internal ones that are related to the Stadium or just Town issues that are being dealt with. If it is truly staffing, he said the Chief can speak for himself but never has he ever been denied a detail or a piece of equipment that he has ever asked for. Paul Feeney explained he could hold no discussion on specifically what the issues are because they are issues for Executive Session. A brief discussion was then held as to when the next Executive Session could be held and an open session scheduled afterwards and specific dates that would be available for all. Lynda said she would still like to continue this hearing and the public would be notified within 48 hours of the meeting. Lynda said they were just talking about July 27th. Paul Feeney asked if the motion had been voted on; that was confirmed by Lynda Walsh.

8:00 – Public Hearing – 2009 MIAA School Super Bowls – Paul Mortenson read the Public Hearing Notice. The purpose of this Public Hearing is to review the application for License by NPS LLC at One Patriot Place, Foxborough MA. to hold the 2009 MIAA School Super Bowls scheduled for December 5, 2009 from 9:00 a.m. to 9:00 p.m.

Dan Murphy explained that this is the third year with the MIAA for their Eastern Mass Super Bowl Games, Saturday, December 5, 2009. It is an all day multiple high school Super Bowl Games, gates and parking lots open at 8:00 a.m. and games run all day ending at 9:00 p.m. He said there are about 17,000 to 18,000 people throughout the day at one time at the highest point probably 4,500

to 5,000 people in the building at one time. He said this is a fund raising event, the Town has waived the user fee for this event and the Krafts have underwritten all the costs associated with this no-alcohol event. He said there have been no issues with the event.

George Bell, Stadium Advisory, said the Committee considers that it is a great honor for teams to play at this event. He noted that no alcohol served at this event. The Fire Dept. said it is a level 2 in terms of their detail deployment. The Stadium Advisory Committee had no issues and recommend approval of this event. Chief O'Leary reported that he had no problems with this event. Paul Feeney asked the Chief if the visiting teams brought their own officers with the team. The Chief pointed out that they are on the field itself because they have no law enforcement powers in the Town of Foxborough; its more of a ceremonial escort that is provided for the team. Chief Hatfield confirmed that this event is a level 2 in terms of staffing. Larry Harrington asked about the cost to the Stadium for this event, the user waiver by the Town of Foxborough and if the money from the sale of tickets goes back to the schools. Dan Murphy said this runs six figures for the Krafts, MIAA gets revenue from the sale of tickets and that gets distributed to the schools.

Motion by Lynda Walsh to close the Public Hearing. Seconded by Paul Mortenson. **5-0-0**

Motion by Lynda Walsh to approve the application for License for the 2009 MIAA High School Super Bowls as submitted by NPS LLC, One Patriot Place, Foxborough, MA. Seconded by Paul Mortenson. **Vote: 5-0-0**

8:15 – Public Hearing – Decreasing Width of Young & Edwards Roads –
Motion by Lynda Walsh to waive the reading of the Public Hearing notice. Seconded by Paul Mortenson. **Vote: 5-0-0**

Bob Swanson, Highway Superintendent, was present to discuss the issues at Young & Edwards Road. He said the section of Edwards Road from Beach to Borne was constructed with very poor materials. He described the problems with this road and the plan is to let settle after putting in an underground drain. He expects to get the whole thing paved within a month or two. Subdivisions with very wide roads are expensive to fix; new subdivisions do not get paved that wide. Bob explained that plowing the snow on the wide road ways is a terrible inconvenience; sometimes the plows cannot even move the windrow. He explained what the cost saving would be if it was wide the whole length vs. if narrowed, possibly \$100,000. He said if it is narrowed it is a significant savings of about 20%. These are the reasons he recommends narrowing the road.

Discussion followed. Paul Mortenson asked what would happen if nothing was done. Larry Harrington commented about the sequence for repairing roadways and how that would affect the citizens living on the street. Lorraine Brue asked if

any consideration was given to decreasing the width to less than three feet. Larry Harrington doesn't like the idea of doing it piecemeal in the next four or five years as that seems to create a bigger problems.

Bill Buckley, 6 Garrett Spillane Rd., gave background on how the road was built. He agreed that the road needs to be narrowed and he agreed with Larry that it should not be done piecemeal. He suggested to patch the road right now, take appropriated money put in an account to be used specifically for this Edwards & Young Road reconstruction. Andy Gala said the Town could encumber the funds. Bob explained that it would remain with the State and the Town would not get interest on the money. It was also suggested that when the road is done it should have some beautification such as was done on Beach Street. Anthony Campagnone, 1 Garrett Spillane Rd. suggested two different ways – a median strip in the middle of the roadway or using only one side of the street, bring it out 4 to 6 feet with an asphalt berm, put in loam and seed it, and then continue to repair the spots recommended by Bob Swanson. He said it would be long term two or three years. He pointed out that doing this piecemeal would present a lot of problems; he explained the problems of doing it on a five year plan and that when it came time to do the repairs in the fifth year, the project would have to start all over again because of paving issues, etc. Frank Bryant, 16 Edwards Road, said he has been effected by conditions there more than other residents, sidewalks are in bad condition, the berm is all broken and needs to be replaced, the road is unpaved and there is dust all over everything. He referred to the ruptured gas line during a previous excavation. Jennifer Carmone, Thompson Rd. said Thompson is a very narrow road. She is concerned about the possibility of losing the sidewalks. Rich Leslie, 5 Young Rd., wants the road to remain narrow, an island would reduce traffic speed, and he would like to see the sidewalks better maintained. Vincent Riccio, 15 Edwards Rd. has a guard rail in front of house and he said it cannot be moved because it would create a safety hazard as there have been many accidents there. William Spierdowis, 23 Edwards Rd. would like to see road narrowed, traffic goes very fast, he agrees that this cannot be done piecemeal. He said to be talking about three to five years to fix this road is unreasonable for the people who live on these roads and the Town has to find a way to get this done. Paul Morten asked if funds from the aborted plan for a round about at North and Payson roads could be used to address this problem and about how much money does that represent. Andy Gala said the Town has not been paid that sum as yet, the Planning Board still has finalizing the permit requirements to release that; Andy estimated at \$200,000+. Paul Mortenson said he would like to know when the Town might get that money. Andy Gala said that the money would not be spent; it would be brought before the Board to act on. Paul Mortenson then asked what the course of action should be; should Bob Swanson come back before the Board with a menu of options based on discussions at this meeting. Paul Feeney pointed out that this is tied into a discussion held by Board on how the Town should address betterments and failing roads given decreasing State aid and Chapter 90 money. He asked if Bob could come back to the Board with a cost analysis, based on discussion tonight,

on what the cost would be to do it all at once, to put in a median strip, repair sidewalks, etc. Jason Smith, 4 Edwards Rd., said something has to be done about the speed on Edwards Rd., people do not even slow down for the stop sign. He also agrees it should be narrowed and in addition, the road tends to be a "cut through". He would like to see a narrower road with less and slower traffic.

Chief O'Leary agreed to put speed trailer in that area and he said he was taking notes on comments made at this meeting. A question was put to Bob Swanson about the possibility of losing sidewalks. He responded by saying there are no plans to lose sidewalks anywhere. Larry Harrington explained that he thinks it is important for the Board to put together a plan to take back to residents based on how long average road lasts, on how many miles of roads In Town, age of each of road, what it would take in a twenty year plan to maintain roads and which roads would be fixed first, etc. Such a comprehensive road maintenance plan would give voters an idea of what it would cost, what the process would look like and ultimately dialog about the funding. He said to date the Town has just used the Chapter 90 money from the State and 1/2M a year can do only a patchwork of repairs. Hopefully what can be done as a Board is to work with Bob Swanson and citizens to try to put together a comprehensive plan that will allow a dialog on a plan to address all roads in Foxborough.

In response to a question Bob Swanson said his department would "come in from North Street on Young Rd. about 250 ft". and pave the gravel area. He explained that this would use up about \$60,000 of the total \$425,000 Chapter 90 funding. Consensus of the residents is to not do this in sections. The plan is to pave the section in front of 16 Edwards Road and address other conditions such as the dust and the hole in the front yard. A resident pointed out that the message from residents is that this cannot be done piecemeal.

Motion by Paul Mortenson to close the Public Hearing. Seconded by Lynda Walsh. **Vote: 5-0-0**

9:00 –Discussion and Vote on Opening the Warrant – Paul Feeney explained that this would be a discussion on the Warrant and the Meals Tax and Hotel Tax local option that was just given by the State Legislature. Andy Gala noted that the Board had had some preliminary discussion with the Finance Director about possible revenue and options under the changes in State law on Hotel and Meals taxes. He reported that Randy had lined up a schedule of time if the Board saw fit to follow that and decide to do that at a Town Meeting. The Board could open the Warrant at this meeting, have it advertised by the 6th and Town Meeting on August 24th. Paul Feeney pointed out that the Legislature has given a local option to raise the meal tax to 7.5% in its entirety and the local hotel tax up to 2% in incremental pieces. The first step in that direction is to put this before the voters at Town Meeting. There is a time line on this on how to maximize the revenue as quickly as

possible and in order to do this the Warrant would have to be opened at this meeting with possible date of August 24th STM.

Larry Harrington pointed out that in the last 12 years the Town has experienced significant cuts in State aid. He said if the Town was to access this revenue at the earliest possible point over this Fiscal Year the Town would be able to raise about 1/2M dollars. He feels this is a significant amount and for reasons as outlined he would like to see the Board support the 2% hotel tax and the 7.5% meal tax, put this on the Warrant to have the Town discuss this and decide what they want to do. He would like to have the voters understand what the tax increases mean and what the money going to be used for. He feels that, in the first year because there is a tough recession and lots of home owners that have been struggling, he would like to see the Board commit for at least the first year to use the \$500,000 to reduce property taxes for relief of home owners. Lynda said she wants to be cautious about this because some people are living day to day thinking just more costs levied on the people. She is ambivalent on this. Paul Feeney said he feels the Town should take advantage of clientele from out of town even though he, too, is also ambivalent. Paul Mortenson said he trusts the wisdom of the voters to make the right decision. In terms of what to do with the money, the voters hold "the purse strings". He pointed out that the Town has some really high priority things. Lorraine Brue said she would be voting to put this before Town Meeting even though she is opposed to increasing taxes. She pointed out that looking at the potential revenue stream, the Board needs to approach conservatively as the Board starts to plan on how this revenue would be spent.

Hector Ballon, 153 North Street, he said he remembered a conversation where a comment was made that a large part of the rebate would be going to businesses and maybe it should be for the homeowners only. He thinks the Town should take advantage of this opportunity right away but be wise in a sense of making sure the money does not go to the large business owners in Town.

A brief discussion was held on opening the Warrant, what articles should be included and when could the Board vote to close the Warrant.

Motion by Paul Mortenson that the Board vote to schedule a Special Town Meeting for August 24, 2009. Seconded by Lorraine Brue. **Vote: 5-0-0**

Motion by Paul Mortenson that the Board open the Warrant today, July 14, 2009 and to close the Warrant at the next meeting, July 28, 2009. Seconded by Larry Harrington. **Vote: 5-0-0**

ACTION:

Minutes – The Minutes for the Board of Selectmen's Meeting of June 22, 2009 were reviewed.

Motion by Lynda Walsh to approve the Minutes of June 22, 2009 as amended. Seconded by Paul Mortenson. **Vote: 5-0-0**

The Minutes for the Board of Selectmen's Meeting of June 23, 2009 were reviewed.

Motion by Lynda Walsh to approve the Minutes of June 23, 2009 as amended. Seconded by Paul Mortenson. **Vote: 5-0-0**

The Minutes of the Board of Selectmen's Meeting of June 30, 2009 were reviewed.

Motion by Lynda Walsh to approve the Minutes of June 30, 2009 as amended. Seconded by Paul Mortenson. **Vote: 5-0-0**

The Minutes of the Board of Selectmen's Meeting of July 6, 2009 were reviewed.

Motion by Lynda Walsh to approve the Minutes of July 6, 2009. Seconded by Paul Mortenson. **Vote: 5-0-0**

Request for 8 One-Day All Alcohol Licenses - Received from Fred Smerlas, First & Goal a request for 8 One-Day All Alcohol Licenses for the "Patriots Tailgate Party" for the 2009 Patriots regular season. Andy Gala explained that the request included the dates and time for each event. He explained that this raises thousands of dollars for the "Rodman Ride for Kids" charity.

Motion by Paul Mortenson to approve the request submitted by First & Goal for 8 One-Day All Alcohol Licenses as described in the application. Seconded by Lynda Walsh. **Vote: 5-0-0**

Request for 2 One-Day Beer and Wine Licenses - Received from Bill Cunningham on behalf of Bay Colony Products for the Orpheum Theater a request for two One-Day Beer & Wine Licenses for July 31st and August 21st holding two comedy nights.

Motion by Paul Mortenson to approve the request for two One-Day Wine & Malt Beverage License applications for the Orpheum Theater for July 31, 2009 and August 21, 2009 as submitted by First & Goal. Seconded by Lynda Walsh. **Vote: 5-0-0**

Early Openings for Patriots Home Games - Received from Skipjack's, Patriot Place Cinema DeLux, Davio's, Blue Finn Lounge and Tavolino request for extended hours to open at 11:00 a.m. on Sundays during Patriot's home games at Gillette Stadium. A brief discussion was held.

Motion by Lynda Walsh to approve Patriot Sunday Home Games early openings for Skipjack's, National Amusements Showcase Cinema, Davios, Blue Finn Lounge at Bass Pro and Tavolino for an 11:00 a.m. opening. Seconded by Paul Mortenson. **Vote: 5-0-0**

Massachusetts Bottle Bill – Received from Mass Recycle a letter about proposed legislation to expand the bottle bill redemption law. He explained that he had the actual House bill to show the Board what was included in the changes they are trying to make; basically trying to add other beverage containers to the law. A brief discussion was held. Andy Gala explained that the letter basically asks the Board to support the bill.

Motion by Lynda Walsh that the Board resolve to support the updated Massachusetts Bottle Bill with a letter of resolution. Seconded by Larry Harrington. **Vote: 3-2-0**

Approve 40B Technical Assistance Funds – Andy Gala explained that formerly the Board had been asked to support an application to the Mass Housing Partnership for Technical Assistance money that would be available for the ZBA in their review of the Nadia Estates 40B application. He asked the Board to accept the money for the consultant to help the ZBA deal with this.

Motion by Paul Mortenson to vote to accept the Technical Assistance Funds for 40B as outlined by Andy Gala. Seconded by Lynda Walsh. **Vote: 5-0-0**

NEW/OLD BUSINESS

Paul Feeney read a statement. Statement to follow at the end of the minutes.

Larry Harrington responded to Paul's statement. He said he had spoken to Town Counsel; he will send a copy of his thoughts to each member of the Board. He said that while "we" may have been emotional, the Board went to Executive Session that evening and worked collaboratively as a Board. Since then the Board has demonstrated in Executive Session and in Public Session that the Board can work with each other. He said that passion sometimes gets emotional and he thinks anyone watching at home, even though they cannot see Executive Sessions, that all five members of this Board has worked hard to work as a team and with the exception of that evening, the Board has shown a willingness to work together even though there are differences of opinion. He reiterated this is a Board of five, its five individuals but its five all working together for the best interest of the Town.

A brief discussion was held on a restraining order on Lori McDonald's dogs and a moderation of that order.

Motion by Paul Mortenson that subject to any conditions from input from the Dog Officer to the contrary the Board vote to remove the restraining order on Ms. Lori McDonald Noland's dogs while she is at home. Seconded by Lynda Walsh.

Vote: 5-0-0

Larry Harrington brought up the issue of getting more detail on Town Counsel's bill. He said in the packet more detail was included. He questioned the year to date totals and an estimate on what it would be to complete – looking at Baker et al vs. BOS spent almost \$39,000 but no information on what it would take to complete. Andy Gala said he had asked for that but had not yet received anything. Larry also pointed out Gulf Resources vs. BOS which was over \$8,000. He asked should the Town win in court, is there would be a way to try to reclaim legal fees. Andy Gala explained that he would have to ask Counsel if the Town could recoup on that particular case. Another charge he questioned was the fee of \$704 for a letter. Paul Feeney said if any member of the Board questioned charges from Town Counsel they should ask for an explanation.

Lorraine Brue brought the Board up to date on the Appointing Committee handbook. She met with Andy Gala and said it is general in its approach and well done. Town Moderator, Frank Spillane is reviewing it as well. At this point she read the paragraphs on appointments and re-appointments. She feels this really covers the situation the Board has been talking about and provides flexibility to the appointing authority that is needed. Larry Harrington said this does not include something the Board has been talking about and that is a defined period of time every year dedicated to considering appointments and or re-appointments. He would like to see a time line included for going through the process for appointments or re-appointments. Lorraine explained that there is a section included called Committee Applications process.

Lorraine also asked that the next scheduled meeting start at 6:00 p.m. in order that the Board could continue discussion on goals and objectives. She explained one of the top ten items was to reorganize the land re-use committee, she is particularly interested in this item. She asked if the Board would agree to allow her to start organizing that committee.

Motion by Paul Feeney to appoint Lorraine Brue as the Chair of the Land Re-use Committee. Seconded by Lynda Walsh.

Lynda Walsh reminded the Board that Bob Boette would like to be on this committee and Mark Sullivan is also interested. Paul Mortenson voiced the opinion that the former committee had come up with parcels that could not realistically be sold.

A discussion was held regarding scheduling meetings to get through the goals and objectives in a reasonable time frame. Paul Feeney said he had met with Phil

Henderson to suggest they talk about some of the W&S issues and determine where they stand and he would then come back to the Board for further discussion. Lorraine Brue asked about the Quinn Bill question . Andy Gala said he is not prepared to speak to the Board because it is a collective bargaining issue.

Lorraine asked for an explanation of the Town Counsel bills and the article that appeared in the newspaper. Andy Gala explained that there are two separate bills – one for a retainer and the other for charges not included under the retainer. He said litigation and property and real estate matters are not included in the retainer and it has been an abnormal year for the Town; he has never seen expenditures like that on average for a number of years. The only explanation he could give was that the Town got caught with these legal issues this year.

Motion by Paul Mortenson to go into Executive Session for the purpose of discussing deployment of Security Personnel at Gillette Stadium and to exit from Executive Session for the sole purpose of adjournment. Seconded by Lynda Walsh.

Vote: 5-0-0	Paul Feeney, Chairman	Yes
	Lynda Walsh, Vice Chairman	Yes
	Paul Mortenson, Clerk	Yes
	Lorraine Brue	Yes
	Larry Harrington	Yes

Motion to adjourn by Paul Mortenson. Seconded by Lynda Walsh.

Vote: 5-0-0 Meeting adjourned at _____ p.m.

Paul Mortenson, Clerk

Over the last few weeks, all of you have taken an opportunity to weigh in both publicly and privately regarding your thoughts about my attendance at a particular meeting last month.

I did attend an informational meeting of local workers that were only days away from a Federally protected, democratic election. The decision for some of those workers was one most likely filled with trepidation, and anxiety, for others perhaps the choice was simple. I spoke plainly, passionately, and honestly to each of these wage earners about the benefits that I see in collective bargaining. Though I spoke about intense issues, and personal reflections that; later - made some on this board uncomfortable, the message I delivered was one steeped in humanness and reverence for each other.

Now, I have learned in my years in public service that it is very rare for elected officials to convince each other through argument. Mr. Harrington, there is no doubt you and I could argue passionately about this singular issue at each and every meeting of this board. Simply, we see things differently. This board remains a microcosm of our community. A community that is made up of individuals from many different backgrounds that carry diverse ideas and beliefs. All of which should be respected, and none of which shall ever be devalued.

My activism for workers is a part of my fabric as a human being. My actions on behalf of low and middle wage earners will never cease, and my commitment to a movement that fights for such Justice will remain a part of my life. In short, when I was elected to represent the people of my town, I did not leave the labor movement. I did however, make an additional commitment. Through my oath, I pledged to act to the best of my ability on behalf of the town of Foxborough. I have shown since that night over two years ago, that the same fervor, and intensity that is present in my personal activism for workers, is present in my public responsibility to this town. These qualities are not quantifiable in a mission statement, or not measurable in a year end review. They are the stuff that character is made of. I have always adopted a philosophy on this board that I would remain Open and Honest, capitalizing on every opportunity to explain my thought process to each of you and to the taxpayers. In recent weeks, after utilizing that honest "stream of consciousness" style, I have been accused of, for the first time on this board, pontificating or simply making speeches. Those comments offer nothing in the way of growth, and certainly do not add to a spirit of cohesiveness.

The mission of this board is to represent the interests of every man woman and child that calls Foxboro home. With such a population, at times, there may be competing interests that we as a team of five must discuss, and act upon. A former selectman made a statement, as told to me, that "we cannot function effectively with five mayors". I ask that each of us take moments of self reflection and closely examine our own actions, not just each others. We will function better for it. The town deserves a

functional board that acts as a cohesive unit, openly debating issues, and coming to healthy resolutions.

To that end. After Lynda made her statement at our last meeting. I made a very public disclosure that I remain faithful to my responsibilities as a Selectman. I stated and reaffirm right now that I continue to be impartial and free of any influence or favoritism. That has been my track record for the last two years and I stand by my record of thoughtful, passionate, and careful decision making. After discussing the issue with town counsel, I have come to the conclusion that a path toward healing comes with a first step. I have taken that step with my verbal disclosure and will solidify it in writing at my first opportunity. I intend to file a notice of disclosure with the town clerk that will dispel any perception of improper influence. My actions were not improper, and my arguments not false. One should never feel that their personal activism must be subdued with their election to office. I do hope that this will bring an end to the debate among this board, and sincerely hope that we can move on with our business.