

SELECTMEN'S MEETING MINUTES
July 28, 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
Bob Swanson, Highway Superintendent

The meeting was brought to order at 6:00 p.m. by Paul Feeney, Chairman

6:00 – Chairman Feeney explained that this meeting was called for 6:00 p.m. in order that the Board could continue their discussion on Goals and Objectives. He said these discussions were started a few weeks ago and it is important to address some of these things. Lorraine Brue prepared a prioritized list. She pointed out that a number of items relate to working with W&S and suggested that the Board take each item as it is ranked on the list.

High priority on the list is working with W&S to develop effective sewer strategy. Larry Harrington suggested that in order to craft a political solution the Board should appoint 1 or 2 persons to act as liaisons to work with W&S and report back to BOS regularly. He pointed out that dialog with W&S is very important because the water treatment plant agreement has a five year time limit and time is getting short. He supports having a subcommittee to craft a solution that would benefit the Town and the taxpayers.

A discussion was held on the benefits of such a committee, who would be on the committee and what the goals should be. Suggestions were made to have Bob Swanson, Jay Barrows and one or two opponents of the last sewer project on the committee. Lorraine Brue pointed out that this is a huge project and it is going to be a real challenge to have something ready to present to the voters by the Spring Town Meeting. Paul Feeney is concerned that there would be parallel efforts as W&S are all ready meeting on this issue. Andy Gala said Bob Swanson should definitely be part of such a committee. Larry Harrington pointed out that W&S has not been able to craft a solution in the past and the Board must work with that department on a compromise for Town Meeting. He is in favor of sending two people to work with W&S to help achieve goals that are also the goals of the Board. Lorraine Brue said it is important to know what the process is and to bring forward names of others who should be included on the committee.

Motion by Paul Mortenson to appoint Larry Harrington and Lynda Walsh to act as liaisons to W&S to meet to discuss sewer strategy. Seconded by Lorraine Brue.

Vote: 5-0-0

Randy Scollins pointed out that the last two proposals did not fly. He had fully vetted the numbers and they have to try to come up with a way to reduce the cost to the user. The last time they were focused on trying to buy capacity. He said the Board needs to become involved and try to determine what solution to support. Lorraine Brue said she would like to see both options reviewed.

Item #6 –Determine Road Repair Program and Identify Potential Funding Sources -

Andy Gala reported that Bob Swanson had put together a comprehensive plan to identify street conditions, the age of the street and an estimate of cost to repair including a plan for replacement and maintenance. A brief discussion was held. Paul Feeney asked if public safety had been addressed as far as design since more streets are being added where conditions such as increase in traffic volume change. He suggested that someone within the Police Dept. draft some traffic safety solutions. Many suggestions were made regarding resources to do this project such as looking for assistance from Senior citizens experienced in the field or to seek interested college students. It is important to establish a time line for this work.

Item #13 – Maximize Revenue Productivity from Signage on Rte 1 –Lorraine Brue said the revenue from signage is a tremendous opportunity for revenue for the Town but this will require discussions with W&S. Mike Stanton reported that W&S are working with Leo Potter to ask the Kraft organization for regular reporting. He said there are a lot of problems with water quality in that area. He also pointed out that there would be roadwork necessary because of pipe line installations. He is looking forward to having some “spirited” debate on these issues.

Item #19 – Implement Succession Planning for Key Roles – A brief discussion was held regarding the importance of succession planning for senior administrative staff. It was suggested that Andy Gala and Randy Scollins be part of the planning process by creating a document of their respective goals and objectives. **Item #3** – Reactivate Land use Committee. Lorraine Brue volunteered to work with them on that. Also discussed was the need for additional staff in Administration. Larry Harrington pointed out that the Audit Committee should be more active on these issues to see what can be achieved in the next 12 months. Also discussed was unfunded life and health care insurance and how that is going to impact the Town budget next year.

7:30 – Citizens Input – Hector Ballon, 153 North Street, read a statement in response to blogs on the Internet regarding legal expenses incurred by the Town. He is concerned about the increase in legal expenses since the Town has contracted with a different law firm. He would like to see more detailed information on the charges

made public. A brief discussion ensued. Andy Gala pointed out that the past year has been very unusual with numerous court cases involving the services of Town Counsel. He said he would be sure to keep the Board advised of the status of the legal account.

Kassie Epstein, Gillette Stadium, read a letter from Dan Murphy. No comments were made at this time. (Letter to follow the minutes)

7:30 – Sidewalk Detectable Warning Surfaces – Bill Casbarra introduced Susan Collins representing the Foxboro Disabled Citizens. He explained that the ADA requires that sidewalk warning surfaces be installed to aid the visually disabled. Bob Swanson was present to discuss this issue. Many of these surfaces have been damaged or are no longer in place. He described the two standards of these surfaces and how they stand up to wear and weather. He took time to describe how these surfaces are installed. Brief comments were made as to who should be responsible for replacing these detectable surfaces. Larry Harrington suggested a letter be written, including facts and data, and sent to Mass Highway, Senator Timilty and Representative Barrows seeking help in getting some action by the State to resolve this issue.

Action Item #6 – Sidewalk on Rte. 106 – A letter was received from Dr. Karen Friend, 34 Shepherd St., requesting consideration of putting a sidewalk on Route 106 between the Plainville line and Rte. 140. Bob Swanson explained that would be 2.7 miles of sidewalk “to no where” and it would require two to three years for completion. A brief discussion was held. Paul Feeney said he would make a site visit and contact the resident to discuss their request.

8:00 – Continued Discussion of N.E. Patriots License – This is a continuation of the Public Hearing held on July 14, 2009. Comments were made as to whether or not the Board was ready to support the issuance of the License for the 2009 football home game schedule. Paul Feeney said after having read the By-Law he felt the Town was covered by that as well as the language included in the licensing process. Paul Mortenson was in agreement and was prepared to vote at this time. He felt that the issues had been addressed in previous Executive Sessions. Lorraine Brue suggested that the Board consider having an Executive Session meeting with Dan Murphy and others. She pointed out that there is a new approach to the issues and the Police Chief hopes to have a plan ready for sometime next week. The Board could address the licensing at that time. She disagreed with some of the statements in the letter read by Kassie Epstein. Lorraine agreed that the Chief had never been denied his requests for details but the Town has been denied payment on a timely basis. Andy Gala said he would agree to schedule a meeting with the Kraft group.

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

Motion by Lynda Walsh to approve the License application for New England Patriots Home Games for the 2009 Season and potential playoff games as submitted by NPS LLC subject to the conditions as written by the Police Chief. Seconded by Larry Harrington.

A further discussion was held regarding the importance of bringing all parties to the table for discussion. Paul Feeney said the Board as the licensing authority had done due diligence in this regard. He took exception to some of the statements in the letter from Dan Murphy as read at the meeting. He said the reason for asking for a continuance of the Public Hearing was so that the Board could come to a level of comfort before taking a vote. Larry Harrington agreed that the Board did its due diligence on this. He also pointed out that Police Chief O'Leary is the "man in charge" of scheduling details for Stadium events.

Vote: 4-1-0 Lorraine Brue casting a dissenting vote.

8:15 – Special Town Meeting Warrant – Andy Gala explained that the Warrant has only three articles – Articles 1 and 2 concerned the local option on raising excise taxes on meals and room occupancy in hotels, motels, lodging houses, etc. Article 3 is to provide for payment of unpaid bills of the prior year either by taxation or transfer from available funds.

A brief discussion was held on the bills that were not submitted in time for payment before the end of the fiscal year. Paul Feeney said he would approve putting these articles before the voters.

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

ACTION

Early Open Requests for Sunday Home Games – Received from Showcase Live at Patriot Place, Tastings Wine Bar & Bistro, Renaissance Hotel & Spa at Patriot Place and CBS Scene Restaurant requests for an extension of liquor license hours beginning at 11:00 a.m. for Sunday Home Games. A brief discussion was held.

Motion by Paul Mortenson to approve the request for an extension of liquor license hours beginning at 11:00 am. for Showcase Live at Patriot Place, Tastings Wine Bar & Bistro, Renaissance Hotel & Spa at Patriot Place and CBS Scene Restaurant for Patriots Sunday Home Games as submitted. Seconded by Lynda Walsh. **Vote: 5-0-0**

Coin Operated Pool Table License – Received from Foxboro Veterans of Foreign Wars Post 2626 an application for a Coin Operated Pool Table License.

Motion by Larry Harrington to approve the Coin Operated Pool Table License application as submitted by the Foxboro VFW. Seconded by Paul Mortenson.

Vote: 5-0-0

Boyden Library Gift – Received from Jerry Cirillo, Boyden Library Director, notice of a gift in the amount of \$225.00 from the University of Washington to be deposited in the Library Gift Fund.

Motion by Paul Mortenson to accept the gift from the University of Washington in the amount of \$225.00 to be deposited in the Boyden Library Gift Fund. Seconded by Larry Harrington. **Vote: 5-0-0**

Norfolk County Advisory Board – Received from Joan Gallivan a request to approve the appointment of Joan Gallivan as alternate and Cyril Paul Dumas as regular appointed member of the Norfolk County Advisory Board.

Motion by Paul Mortenson to approve the appointment of Cyril Paul Dumas as a regular member and Joan Gallivan as alternate member of the Norfolk County Advisory Board as requested in the letter dated July 16, 2009. Seconded by Lynda Walsh. **Vote: 5-0-0**

Resignation – Received from Diane Monahan notice of her resignation from the Employees Insurance Advisory Committee.

Motion by Larry Harrington to accept the resignation of Diane Monahan from the Employees Insurance Advisory Committee as requested. Seconded by Paul Mortenson. **Vote: 5-0-0**

Sidewalk on Route 106 – See discussion earlier in the meeting.

Street Name Request – Received from Joseph Lynch, Mill Street Preserve LP a request to approve the street name “Garland Lane” for Phase II roadway off of Mill Street.

Motion by Lynda Walsh to approve the street name “Garland Lane” as requested by Joseph Lynch, Mill Street Preserve LP, letter dated July 22, 2009. Seconded by Paul Mortenson.

Conservation Commission – 1 Year Lease – Received from the Conservation Commission for approval a 1-year Lease from the Town of Foxborough to William & Kathleen Groves for property at 10 Fairbanks Rd., Foxborough. A brief discussion was held.

Motion by Paul Mortenson to approve the 1-year Lease as submitted by the Conservation Commission for the property at 10 Fairbanks Rd. Foxborough. Seconded by Lorraine Brue. **Vote: 5-0-0**

YMCA Grant – Received from Debbie Giardino, Recreation Director, notice of receipt of a YMCA Healthy Futures Initiative Grant awarded to Foxborough in the amount of \$1,000.00 to be deposited in an account specific for it's use.

Motion by Larry Harrington to accept the YMCA Healthy Futures Initiative grant award in the amount of \$1,000.00 to be deposited in an account specific for its use, as noted in a memo from Recreation Director Debbie Giardino, dated July 24, 2009. Seconded by Paul Mortenson. **Vote: 5-0-0**

NEW/OLD BUSINESS:

Lorraine Brue gave a brief update on the status of the handbook – Guidelines for Committee Appointments.

Motion by Paul Mortenson to go into Executive Session to discuss Comcast License Negotiations and to exit for the sole purpose of adjournment. Seconded by Lynda Walsh.

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

Meeting adjourned at 9:30 p.m.

Paul Mortenson, Clerk



July 28, 2009

Mr. Andrew Gala, Town Manager
Town of Foxboro
40 South Street
Foxboro, Massachusetts 02035

Dear Andy:

I am writing in response to comments reported in last week's Sun Chronicle and Foxboro Reporter, as well as a comment taken from released minutes from the May 26th Executive Session. My goal of clarifying a number of aspects of our Event License Application for the 2009 New England Patriots season. Unfortunately I will not be able to attend the Board of Selectmen meeting tonight due to the AC/DC concert, but have asked Kassie Epstein to read this letter into the record.

As was reported last week, the license for the upcoming season was not issued because you were not yet prepared to recommend Selectmen's approval based upon your belief that "security personnel issues remain unresolved." The newspaper further reported your comment: "It's all about numbers – the number of people that staff events and whether it's state police or local police." Chairman Feeney added that he wants a comfort level that Chief O'Leary has all the necessary resources. These statements were made despite Chief O'Leary personally recommending to the Board of Selectmen, as did Chief Hatfield, the entire Stadium Advisory Committee and the Board of Health, to approve the license application that evening.

I said, on the record, at that meeting that stadium management has never denied Chief O'Leary a detail at Gillette Stadium, nor have we ever denied him any equipment request. Additionally, I have always maintained that Chief O'Leary is the Officer-in-Charge for all stadium details regardless of which state or local police department is working the detail. In fact, when Chief O'Leary was in meetings with the State Police to plan for the upcoming season, I both (a) personally assured Chief O'Leary that the stadium considered him the Officer-in-Charge of all security details and (b) offered to memorialize such in a deployment plan if he so desired. Chief O'Leary responded that it wasn't necessary at that time.

Our past four full stadium event license applications have been approved by the Board without cause or concern. Now, as we prepare for the 2009 football season, there is an ongoing unresolved issue between the Board and Chief O'Leary that has delayed licensing approval and created an erroneous perception that there are security concerns related to this 2009 NFL Event License Application.



I would like to address another issue with regard to security at the stadium. An unattributed quote from minutes recently released from the May 26 Executive Session stated "Kraft would like to replace Foxboro officers with State Police." I can tell you unequivocally that this notion is 100 percent untrue. Stadium management has never sought to replace a Foxboro Police Officer with a State Trooper at Gillette Stadium.

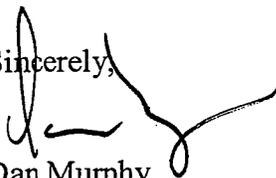
There are a few comments in the article regarding Executive Session scheduling which also necessitate clarification, as those comments give the impression that stadium management was unwilling to attend those sessions. On June 25th, Jim Nolan, Mark Briggs and I received an invitation to attend the Executive Session on July 6th. Both Jim and I had previously scheduled vacations and were unable to attend. The meeting was rescheduled for July 27, 2009. On July 22nd, you informed me that the Town was canceling the July 27th meeting due to the fact that Chief O'Leary had not submitted his deployment plan. The impression that the newspaper gave was that stadium management was responsible for the failure of the meeting to take place. Chairman Feeney's comment that "the town had also tried to set up such a meeting with stadium leaders about two weeks ago" reinforces that impression, and for that I take exception.

We appreciate that a police detail plan is a dynamic and complicated model that must remain fluid to adjust for the individual challenges each event will bring. With that firmly in mind, stadium management has recommended to Chief O'Leary that we sit down together and work with him to formulate a plan that serves the best interests of the public, town agencies and business goals. Unfortunately, it appears that the Chief is not far enough along in his planning process for such a meeting to be productive. Therefore a meeting to discuss the 2009 football season and the New England Country Music Festival has yet to take place.

Given that we have not been able to attend an Executive Session, nor have we been able to sit down with the Chief, we were perplexed and dismayed when the Board delayed approval of the 2009 License.

We look forward to the Board and the Chief of Police working together to expedite the approval process for a 2009 deployment plan. We continue to offer any guidance we can to assist in the process.

Sincerely,



Dan Murphy

Vice President of Business Development & External Affairs