

SELECTMEN'S MEETING MINUTES
March 10, 2009

Members Present: Mark Sullivan, Chairman
Paul Feeney, Vice Chairman
Lynda Walsh, Clerk
Jim Thrasher
Paul Mortenson

Others Present: Andy Gala, Town Manager
Randy Scollins, Finance Director
Attorney Neil Mooney, Representing Showcase Live, LLC
Attorney Russell L. Chin, Representing Harvest Group, Inc.
Cheuk P. Wu, Manager of Mai Pearl Restaurant
Warren Wright, VFW Post 2626 Commander
Greg Dickerson, Manager, VFW Post 2626
Michael Wright, Vice Commander, VFW Post 2626
Jean Smith, Manager, Renaissance Hotel at Patriot Place
Hank Stebbins, Attorney for Renaissance Hotel
Michael Meyer, Renaissance Hotel
Adam Costa, Representing Blatman, Bobrowski & Mead,
LLC – 40R

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

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

7:05 – Public Hearing – Lynda Walsh, Clerk, read the Public Hearing Notice. The purpose of this Public Hearing was to discuss the application for Transfer of Annual All Alcohol Restaurant License from Showcase Live, LLC d/b/a Showcase Live at Patriot Place.

Attorney Neil Mooney was present. He explained that this application is for Change in Ownership Interest. He said this is a buy back from NPP Development LLC its 50% interest in Showcase Live LLC d/b/a Showcase Live at Patriot Place gives Showcase Live LLC 100% Ownership Interest in the business. A brief discussion was held.

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

Motion by Lynda Walsh to approve the Transfer of Annual All Alcohol Restaurant License as submitted in the application from Showcase Live, LLC d/b/a Showcase Live at Patriot Place for a Change in Ownership Interest. Seconded by Paul Feeney. **Vote: 5-0-0**

ACTION:

Minutes: The Minutes for the Board of Selectmen's Meeting of February 14, 2009 were reviewed.

Motion by Lynda Walsh to approve the Minutes of the Meeting of February 14, 2009 as submitted. Seconded by Paul Mortenson. **Vote: 5-0-0**

Gift from Foxboro Cable Access, Inc. – Received from Foxboro Cable Access, Inc. a check in the amount of \$5,000 as a contribution toward Cable Access Renewal Legal Fees.

Motion by Lynda Walsh to accept the check in the amount of \$5,000 from Foxboro Cable Access, Inc. to be used for Foxboro Cable Access Legal Fees. Seconded by Paul Mortenson. **Vote: 5-0-0**

Invoice – Received from Attorney Peter Epstein an invoice in the amount of \$670.00 for legal services related to Cable Television Licensing.

Motion by Lynda Walsh to approve the invoice from Attorney Peter Epstein in the amount of \$670.00 for Professional Services rendered in February, 2009. Seconded by Paul Feeney. **Vote: 5-0-0**

Labor Counsel Invoice – Received from Collins, Loughran & Peloquin, P.C. an invoice in the amount of \$2,655.00 for services rendered in the month of February, 2009.

Motion by Paul Feeney to approve the invoice from Collins, Loughran & Peloquin, P.C. in the amount of \$2,655.00 for services rendered in the month of February, 2009. Seconded by Lynda Walsh. **Vote: 5-0-0**

Foxboro Garden Club – Received from Lorraine Grant on behalf of the Foxboro Garden Club a request to hold their Annual Plant Sale on the Common on May 23, 2009 from 9:00 a.m. to 12:00 noon. A request was also made to advertise the dates on both signs on the Common.

Motion by Lynda Walsh to grant permission to hold the Annual Plant Sale on the Common as requested in the letter dated February 24, 2009 and to advertise the dates on both signs on the Common. Seconded by Jim Thrasher.

Vote: 5-0-0

HESSCO "March for Meals" Campaign - Received from Mary Jean McDermott, Executive Director of HESSCO an invitation to participate in the "March for Meals" Campaign. A brief discussion was held. Members of the Board will participate.

ZBA – Appointment – Andy Gala asked the Board to make a decision about an appointment to the Zoning Board of Appeals. This item was brought forward from the meeting of February 24, 2009.

A brief discussion was held during which the members of the Board gave reasons for making their choice. Their choice was Christopher Karvonen with the anticipation that Donald Baker would accept an appointment to a different committee or board at a future time.

Motion by Jim Thrasher to appoint Christopher Karvonen, 48 South Street, as an Associate Member of the Zoning Board of Appeals with thanks to Donald Baker for his interest in the position. Seconded by Lynda Walsh. **Vote: 5-0-0**

One Day Beer & Wine Licenses – Received from Bill Cunningham, on behalf of Bay Colony Productions an application for two One Day Beer & Wine Licenses for an event scheduled for March 13, 2009 and Friday, April 10, 2009 to be held at the Orpheum Theatre, One School Street, Foxborough.

Motion by Lynda Walsh to approve the applications for two One Day Beer & Wine Licenses as requested by Bay Colony Productions. Seconded by Paul Feeney. **Vote: 5-0-0**

Hackie License Renewal – Received from Robert Eugene Raymond, 308 Chestnut St., North Attleboro an application for Hackie License Renewal to drive for East Coast Limo.

Motion by Lynda Walsh to approve the application for a Hackie's License Renewal for Robert Eugene Raymond, 308 Chestnut St., North Attleboro as submitted. Seconded by Paul Mortenson. **Vote: 5-0-0**

7 Day Entertainment License - Received an application for a 7 Day Entertainment License from GMRI, Inc., d/b/a The Olive Garden Restaurant, 392 Patriot Place,

Motion by Paul Feeney to approve the application for a 7 Day Entertainment License as submitted by GMRI, Inc., d/b/a The Olive Garden Restaurant at 392 Patriot Place. Seconded by Lynda Walsh. **Vote: 5-0-0**

7 Day Entertainment License – Received from NPP, LLC an application for a 7 Day Entertainment License for Two Patriot Place, Foxborough. A brief discussion was held.

Motion by Paul Mortenson to approve the application for a 7 Day Entertainment License as submitted by NPP, LLC, dated 03/04/09. Seconded by Paul Feeney. **Vote: 5-0-0**

Sunday Entertainment License – Received from NPP, LLC an application for Public Entertainment on Sunday at Two Patriot Place.

Motion by Lynda Walsh to approve the application for Public Entertainment on Sunday as submitted by NPP, LLC. Seconded by Paul Feeney. **Vote: 5-0-0**

Resolution – PWED Grant – Andy Gala explained the Public Works Development Grant Program pointing out that in order to go forward with this application for funding the Board would have to sign. He said this is for the State Hospital Redevelopment program.

Debt Exclusion/Ballot Language – Received from Dr. Christopher H. Martes, School Superintendent, a memo regarding the repair and renovation project proposed for the High School. He asked that this be put on the ballot for the general election in May, 2009. Lynda Walsh, Clerk, read the ballot question as proposed by Dr. Martes. Andy Gala briefly explained the difference between an over ride of Proposition 2-1/2 and a debt exclusion. A brief discussion ensued.

Motion by Jim Thrasher to place on the Ballot for the general election to be held on May 4, 2009 the language as set forth in the memo from School Superintendent, Dr. Martes to the Board for the ATM, 2009. Seconded by Paul Feeney. **Vote: 5-0-0**

Letter from the Conservation Commission – Bob Boette, Chairman of the Conservation Commission was present to discuss the letter. He read the letter addressed to Andy Gala, Town Manager and the Board of Selectmen. The letter requests that the Town Manager appoint a Town Counsel that would best represent the interests of the Conservation Commission in the case before the Land Court – *Baker et al. v. Board of Selectmen of the Town of Foxborough and the Conservation Commission of the Town of Foxborough*.

A general discussion was held. Bob Boette said that the Conservation Commission and the Board of Selectmen have a “divergent” opinion on how this matter should be resolved. Conservation would just like to have a voice in the trial. He pointed out that Conservation was never consulted regarding the terms and conditions of the Consent Order entered by Town Counsel. Andy Gala said there has been an opinion granted by the Land Court. He does not know what else is happening at this time. Jim Thrasher asked for clarification as to which case is being appealed. Valarie Bataille said “they are trying to tie both cases together”. She feels there is a conflict of interest with Town Counsel representing both the Board and the Conservation Commission. Andy Gala said the Town is all ready involved in the second legal process and he is very concerned about the balance of the legal fund. Valarie Bataille said

Conservation wanted to bring this matter to the attention of the BOS. The Conservation Commission feels they are not being adequately represented by Town Counsel at this time. Mark Sullivan asked when they expected to hear from the Land Court. Bob Boette said he had expected to get a decision by this time.

7:45 – Public Hearing - New All Alcohol Restaurant License – Lynda Walsh read the Public Hearing Notice. Russell L. Chin, Esq. was present representing Harvest Group, Inc. d/b/a Mai Pearl, 121 Main Street. Attorney Chin gave a brief review of the experience and background of the Manager Cheuk P. Wu. He referred to the restaurant in Canton where Mr. Wu has been manager as well as his experience managing other venues in the New England area. Questions by the Board included location and layout of the restaurant, procedures for carding patrons to address under age drinking issues and hours of operation.

Motion by Mark Sullivan to close the Public Hearing. Seconded by Paul Feeney. **Vote: 5-0-0**

Motion by Lynda Walsh to approve the application for a new All Alcohol Restaurant License for Harvest Group, Inc. d/b/a Mai Pearl, 121 Main Street, Foxborough, Manager Cheuk P. Wu. Seconded by Paul Mortenson.

Jim Thrasher pointed out that this is a “targeted” license and if relinquished comes back to the Town of Foxborough. **Vote: 5-0-0**

Motion by Paul Feeney to approve the application for a Common Victuallers License as submitted by Harvest Group, Inc. d/b/a Mai Pearl, 121 Main Street, Foxborough. Seconded by Lynda Walsh. **Vote: 5-0-0**

Motion by Lynda Walsh to approve the application for a 7 Day Entertainment License as submitted by Harvest Group, Inc. d/b/a Mai Pearl, 121 Main Street, Foxborough. Seconded by Paul Feeney. **Vote: 5-0-0**

8:00 – Public Hearing – VFW – Michael Wright, Warren Wright and Greg Dickerman were present to discuss the application for Change of Manager for the VFW Post 2626, 337 Cocasset Street, Foxborough. A brief discussion was held regarding the changes of ownership of the building resulting from a recent auction. Mark Sullivan pointed out that this is a specific type of license as it is non-transferable from that property unless it goes to another VFW. Michael Wright wanted to make sure the VFW has total control over the bar. Paul Feeney clarified the fact that all profits from the bar go to the VFW and any profit from rentals goes to the New England Group, owners of the building. He said the VFW does a lot of things for the community especially in the way of charities.

Motion by Lynda Walsh to approve the application for Change of Manager for the VFW Post 2626, located at 337 Cocasset Street Foxborough, as submitted. Seconded by Paul Feeney. **Vote: 5-0-0**

8:15 –Public Hearing – Renaissance Hotel – Lynda Walsh, Clerk, read the Public Hearing notice. The purpose of this public hearing was to discuss the application for a new Annual All Alcohol Hotel/Restaurant License for Colwen Management, Inc. d/b/a Renaissance Hotel at 28 Patriot Place, Foxborough, Manager Jean Smith.

Attorney Stebbins said Colwen Management, Inc. is interested in investing in Foxborough. The first Residence Inn was opened about ten years ago and has been successful and they are now looking forward to opening the Renaissance Hotel. He feels it will be a very good thing for the community. He pointed out that Jean Smith was the manager at the Residence Inn when it first opened. Mike Meyer distributed a full color brochure. He pointed out that this is a 5-Star hotel, 150 rooms, serving casual American cuisine. He said they are very concerned about security issues and have taken all appropriate steps to make the facility secure. They will work closely with the Kraft Organization in addition to their own security measures.

Jean Smith said they would be hiring and training staff early in April. There would be eighty positions to service the hotel. She spoke of TIPs training and team training for the entire staff; team training is something they would be bringing to all their hotels. Attorney Stebbins noted that there has never been a complaint of violation of liquor service. Concerns were expressed regarding security particularly on Patriot game days. Attorney Stebbins pointed out that they operate other large venues and have had no issues; he feels there would be adequate security on game days. In response to an inquiry from Jim Thrasher, Jean Smith explained that they would be bringing on a general manager for the day to day operation.

Motion by Mark Sullivan to close the Public Hearing. Seconded by Paul Feeney. **Vote: 5-0-0**

Motion by Lynda Walsh to approve the Annual All Alcohol Hotel/Restaurant License for Colwen Management, Inc. d/b/a Renaissance Hotel at 28 Patriot Place, Foxborough as submitted. Seconded by Paul Mortenson.

Jim Thrasher pointed out that this is a “targeted” license and in the event of a transfer, the license comes back to the Town of Foxborough. Paul Feeney said it would be very much appreciated by the Board if Colwen Management would put local people to work. **Vote: 5-0-0**

Motion by Lynda Walsh to approve the Common Victuallers License application as submitted by Colwen Management, Inc. d/b/a/ Renaissance Hotel at Patriot Place. Seconded by Paul Mortenson. **Vote: 5-0-0**

Motion by Lynda Walsh to approve the 7 Day Entertainment License and the Sunday Entertainment License as submitted by Colwen Management, Inc. d/b/a Renaissance Hotel at Patriot Place. Seconded by Paul Feeney. **Vote: 5-0-0**

8:30 – CIP Budget – Andy Gala distributed a fact sheet on CIP Budget requests that were approved by the CIP Committee as well as a 5-Year Capital Plan and Assumed Funding. He explained that the High School renovation project requires two votes – Town Meeting and a ballot question vote. Andy Gala and Randy Scollins reviewed each item on the approved list as it would appear in the Warrant as Article 5. Jim Thrasher inquired about revenue from signage on the water tank on Route 1. Andy Gala said he had not received any information from the Water Dept. Mark Sullivan said he would like to have Water & Sewer come before the Board. A brief discussion was held regarding the 5-Year Capital Plan.

Motion by Paul Mortenson to approve the CIP Budget as presented by Andy Gala and Randy Scollins. Seconded by Mark Sullivan. **Vote: 5-0-0**

9:00 – 40R Permit Application Process – Adam Costa, Blatman, Bobrowski & Mead, LLC, was present to discuss 40R permit application. He distributed a packet of information explaining the Ch. 40R Smart Growth Housing. He said they have done over 12 40R projects throughout the State. He pointed out the communities allowing 40R development may be eligible for funds through the Dept. of Housing and Community Development. For every building permit the town would receive \$3,000. Adam Costa feels the State Hospital land would qualify for this type of development. A new overlay district would have to be created. At least 20% of the total units would have to be considered affordable units.

Adam Costa said an Overlay District By-Law has been drafted to be presented at Town Meeting for approval. He pointed out that the Town would not lose any rights under the existing zoning by-laws. Mark Sullivan pointed out that housing is “not moving at this time” and under the 40R, how long is that zoning in effect. He said once the district is adopted and once the Town has received incentive payments, what is the time frame for getting started on the project and if a time period elapsed, would the incentive payments have to be paid back to the State. Costa said he had not received word on that yet. He said he could not guarantee the \$3,000 per permit “is going to be there”. The initial payments would be there. Lynda Walsh asked if permits all ready been pulled, would they qualify for incentive payments. Paul Feeney commented that it would make sense for Foxborough to move forward with this, but how would it fit into the overall plan for the Town. Andy Gala said they would be looking at Chestnut Green and if the opportunity could be clarified, it would benefit the community to bring in more revenue. Paul Feeney inquired as to the status of the Town relative to the requirement for affordable housing units. Andy Gala said the Town would still be under the 10% requirement. Andy asked that the Board consider

moving ahead with the process and agree to hold a public hearing at the next scheduled meeting. This could be put on the Warrant subject to a public hearing. Adam Costa said in the next two weeks an application could be prepared for review, the application would then be forwarded to the State and by March 31st he would start making calls “to speed up the review” and then to hold a Planning Board public hearing. Mark Sullivan pointed out that there a lot of issues in front of the public now and when presenting something new to the public it needs to be slowed down.

Motion by Jim Thrasher to hold a public hearing relative to 40R zoning legislation. Seconded by Lynda Walsh. **Vote: 5-0-0**

Marc Resnick gave a brief update on the PWED grant. He said that remaining funds were being used for the design of Payson Street and Chestnut and North Streets. He is now submitting a resolution for funding through PWED to finish the reconstruction of the three roads. He has been working with consultants to look at other options.

Motion by Lynda Walsh to approve the Resolution to apply for funding through the Public Works Economic Development (PWED) grant program. Seconded by Paul Mortenson. **Vote: 5-0-0**

NEW/OLD BUSINESS

A brief discussion was held relative to unused Town owned property that could be sold. Mark Sullivan pointed out that the Town should get rid of two properties because of unfunded liability. Andy Gala said the Board had to focus on the present real estate market. Mark Sullivan feels the Board should be proactive on this issue particularly with new members coming on board after the May election.

Motion by Paul Feeney to adjourn. Seconded by Paul Mortenson.
Vote: 5-0-0 Meeting adjourned at 9:50 P.M.

Lynda Walsh, Clerk