

**SELECTMEN'S MEETINGMINUTES**  
**March 31, 2009**

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

Others present: Andy Gala, Town Manager  
Randy Scollins, Finance Director  
Fire Chief Roger Hatfield  
Dan Murphy, Gillette Stadium  
George Bell and Joel Angelico, Stadium Advisory

Committee

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

Mark thanked all who sent cards and messages of good will regarding his health. To put aside any rumors, he explained that he had a TIA, a mild little stroke caused by blood disorder but with medication all should be well in a month or so. He said "It's nice to have an extended family I call Foxborough, I appreciate it." Mark felt it was his responsibility to let everybody know.

**7:00 – Citizens Input** – Chief Roger Hatfield came before the Board to discuss Reorganization and Restructuring of Emergency Management Plan for Foxborough. He explained there are several committees that are voted upon and citizens appointed to those committees by the Board. After analyzing some of these committees he is going to change the titles so that they would be more beneficial in regards to State and Federal grants. One area is Foxborough Emergency Management Agency that was then changed to Emergency Management Agency, all volunteers. He pointed out that the Town has been "missing the boat" where the Federal Government has put together a program called Citizens Corps that allows communities to appoint volunteers, educate and organize them and get funding for equipment necessary to be a functional group for any community. He has received information on this and he is planning to reorganize the Emergency Management Agency to become the Foxborough Citizens Corps. That will help the Town regarding the public identities like Police and Fire Departments and Public Works and allowing the Town to get help in the public health areas should it become a necessary to set up clinics, etc. The committee will be known as the Foxborough Citizens Corps and he will be looking for additional volunteers that have specialties in medical, law enforcement and experience in similar fields. Expanding on that, Roger explained that there are two committees CERT (Citizens Emergency Response

Team) and MERT (Medical Emergency Response Team). The Chief said a Foxborough Citizens Council would be organized; he has asked Dick Wright to be the Chairperson with his oversight in working with that Council. Another area in which he would be making some changes is where there are two different planning committees – one that is internal with department heads and then expanded to include industries and work toward Title 3 and Tier 2 reporting. He suggests that they be combined as many of the same people are on both committees; to become the Foxborough Local Emergency Planning/Sera Title 3 Committee.

He went on to explain the function of regional Local Emergency Planning Committee deals with the regional approach in case of an emergency. This is where outside agencies are brought in such as the Red Cross, Salvation Army, etc. He stressed the fact that Foxborough needs to have its own local agency to address smaller emergencies at the local level.

Randy Scollins gave a brief update on the Foxborough web site. He said the web site is completed. The address is FoxboroughMA.gov. Every department in the Town has a set of pages; all boards and committees have pages with basic information, Community groups and civic organizations have their own link, one can find those on the Community Links page. There is also a “contact us” section where one can find a particular department. The Schools also have their own Department page that links onto their web site. Lynda Walsh asked if it could be arranged so people would be able to reach out to members of the Board. Randy said it could be arranged so all that any Board member would have to do is to e-mail him with the information they would like to have on the web site. Jim Thrasher asked “Who was the driving force” behind the development of this web site. Andy Gala pointed out that Randy took a lead role. Jim said he really wanted to commend Randy on developing a great site and that this is what the Board has been looking for. Randy said he could not take the credit; that it was the work of a sub-committee of the Board chaired by Bob Hickey and others who gave direction and every department developed their own content; that there were dozens of people, he could not have done this himself.

**7:05 – Public Hearing** – Lynda Walsh, Clerk, read the Public Hearing Notice. The purpose of this Public Hearing was to review the application submitted by NPS LLC for the 2009 NCAA Men’s Lacrosse Championship games.

Dan Murphy said Gillette Stadium had this event last year; the sales are down a bit from last year but he expects the sales will pick up as the date draws nearer. This is a three day event, May 23, 24 and 25<sup>th</sup>, the last day being Memorial Day with five games in total. It’s a no alcohol event, MBTA service to the Stadium, no parking fees and all seats are reserved. George Bell asked if there is a fan zone this year. Dan Murphy said there is a corporate hospitality

area where colleges and corporations buy tents; it will be outside. They serve food and alcohol not unlike any normal tailgate. Mark Sullivan asked about alcohol licenses. George Bell pointed out there is a potential for incidents with student activities in the parking lots. He suggested opening the gates as late as possible. The Stadium Advisory Committee recommended approval for this event. Chief O'Leary said this was a successful event last year and he does not anticipate any problems licensing this event. Chief Hatfield said this is his first event and he is learning.

Paul Feeney said his questions had been answered and questioned whether there would be any alcohol inside the Stadium for this event. Dan Murphy said the only alcohol is in the luxury suits. Paul also had questions about parking operations. Dan spoke about the fans exiting the lots and he is doing more outreach to the fans in that area. He pointed out again the sales of tickets is down from last year and they are seeing fewer fans coming from out of the area. Jim Thrasher asked about the number of fans from last year. Lynda Walsh pointed out that the hotel is open and expect people would be staying there for this event. Mark Sullivan said this is the same tournament held last year that was "ticket exempt" to the Town; the Stadium gave a check to the Town for \$320,000. Mark said he did not forget that and he is glad to have this tournament back. He pointed out that this is revenue to the Town. Paul Feeney noted that the Board had received a letter from the Health Agent, Pauline Clifford, and there are no concerns for this event.

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

Motion by Lynda Walsh to approve license application as submitted by Gillette Stadium for the 2009 NCAA Men's Lacrosse Championship games to be held May 23, 24 and 25, 2009. Seconded by Paul Feeney. **Vote: 5-0-0**

**7:15 – Public Hearing** – Lynda Walsh, Clerk, read the Public Hearing Notice. The purpose of this Public Hearing is to review the application submitted by NPS LLC for the Elton John and Billy Joel – Face 2 Face concert.

Dan Murphy said this application is for the Elton John and Billy Joel - Face 2 Face concert scheduled for Saturday, July 18, 2009. He said the same act was held at the Stadium in 1994 for two shows, no opening act. Estimated attendance 50,000 fans; ticket prices range from \$54.50 to \$179.50, again no opening act. The show starts at 7:30. There is a promoter for this event who would be working with Bill Casbarra on decimal readings, etc. George Bell pointed out that for this event it is an 11:30 p.m. close. The Stadium Advisory Committee recommended approval for this event. Chief O'Leary said the Town has done this event before and had no issues at that time.

Paul Feeney asked if there would be any pyros on the stage or out back. Dan Murphy said none are planned. He also noted that a letter from Pauline Clifford, Health Agent, that there are no concerns at this time. Paul Mortenson question about the event going over time and how that is handled. Mark Sullivan explained that in the past the Stadium Advisory representative and Chief O'Leary contacted the Chairman of the Board of Selectmen who gave his opinion on the matter. If there is time the Chairman would reach out to the Board for a consensus. Paul Feeney asked George Bell to explain what and how the Stadium Advisory Committee works during the event. George explained that members of the Committee take phone calls during the event, listen to complaints and turns that information over to Bill Casbarra. It is usually a noise complaint. The concerns are then faxed to the Town Manager the next day. There have been fewer calls recently.

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

Motion by Lynda Walsh to approve the License Application as submitted by Gillette Stadium for the Elton John and Billy Joel – Face 2 Face concert to be held on July 18, 2009. Seconded by Jim Thrasher. **Vote: 5-0-0**

**7: 30 – Southeastern Regional Vocational Technical School FY-2010 Budget** – Luis Lopes, Superintendent, SRVTS, and Dan Iagatta, School Committee Representative for Foxborough were present. Luis Lopes reviewed the Southeastern Budget as a whole after which he discussed the Foxborough student enrollment and the 2010 Assessment. Last year he committed to establish a budget based on the foundation formula or net school spending requirements. He explained the formula. The State determines what each community can afford based on their wealth; under that formula the State pays the difference. This year the State opted to assess the communities at the 2009 level and that in turn meant a \$890,000 shortfall for Southeastern. He had three choices on how to address this shortfall. The third one being to cut the budget and they opted to cut the 2010 budget, even though there is a slight increase in enrollment, actually reflects a decrease from the 2009 amount or about 1.4% less than 2009. They are trying to deal with the shortfall through attrition, there are six vacant support staff positions that have not been filled, a wage freeze for administrators and are looking to reduce more administrative expenses, looking very hard at insurance costs, hoping to reduce insurance costs by \$260,000 and thereby be able to avoid lay-offs. Luis Lopes said the FY-2010 Budget is \$20,229,701.00. The School Committee voted on this budget with only one change and that was to not take \$555,000 from the Excess & Deficiency account because extra \$100,000 cut in regional transportation and Luis expects there would be further cuts in transportation aid. He explained that they were going to consolidate the end of school day bus runs (busses would all leave at 4:00 PM) and that should save 20 or so bus runs.

Luis reviewed the Foxborough assessment. Foxborough had an increase in enrollment of five students or 17%, currently 34 students attend. The original minimum contribution amount \$332,281.00 is the minimum amount that Foxborough has to contribute for the education of the students. There are other expenses outside of operating expenses. Last year there was a transportation component in the amount of \$2,542.00 charge, this year the amount is zero because the School is absorbing all of that. There is no change in the capital account because it is based on a percentage of the enrollment. He pointed out that the Budget shows a \$16,495.00 negative. He said that comes from money made in relation to the evening school programs and a decision was made to take 1/2 of that and provide a reduction in the assessments to the towns. He explained that by those reductions the actual 2010 Assessment is \$320,658 is about a \$12,000 less than the minimum contribution allowable because still theoretically charging the \$332,281.00 plus the other expenses but are giving back \$16,495.00. That is how Foxborough would not be in violation by being below minimum contribution; this has been checked out by the Department of Revenue because he did not want there to be any fines or anything. There is an increase of 14.4% that relates to the increase in enrollment.

Dan Iagatta said that he has been on the School Committee for about a year working with Superintendent Lopes. He praised Mr. Lopes for his foresight pointing out the after school programs keeping the students there and enriching them by eliminating the 2:30 bus and not reducing staff. He really feels that taking the money out of the E&D fund is a huge sign of goodwill for all the communities. He pointed out that Southeastern does not have the opportunity to have major expenses go through debt exclusion or capital improvement as does the Town of Foxborough. The money that is in that account is very limited. The students at Southeastern are walking out with a Certificate of Proficiency as well as being MCAS certified which is tantamount to a High School diploma. Dan said this "is not the trade school" it used to be. He feels that this budget really reflects Superintendent Lopes' work.

A general discussion followed. Dan Iagatta pointed out that at Southeastern the studies are not the basic carpenter trade, etc. but everything from technical and environmental engineering to criminal justice programs are offered. He said that every student in Foxborough has the opportunity to enroll there. Paul Mortenson had several questions. He asked if the budget shortfall was due to more students or a cut in State funding. Superintendent Lopes said that the issue is the cut in State funding. He said it was the first time there is a gap in the net school spending and the foundation. He said there might be a chance to get something back but they cannot reduce the minimum assessment. Paul also asked about the moral of the staff and what happens next year if the money is not there. Luis Lopes said he is tapping the E&D funds now and perhaps there would be an opportunity for additional funds from the evening

adult program. Paul Mortenson asked if the school keeps statistics on job placement. Luis said positive placement is over 90% and it is about a 50/50% going on to further education. Paul Mortenson asked whether the school is on the low end of student spending. Luis referred to the chart that shows they spend or charge not a “nickel” more or less than is required by the State. Other points of discussion included comments on the cost of Special Education that along with all the special equipment the school provides the school still has to follow the Special Education laws. Luis said he is waiting to hear back on “Pathways to Green Technology”. They are “going after” graduates or under graduates, whether they are employed or under employed, to show them how to do things like install solar panels, thermal heating and geothermal insulation and windows, etc. Jim Thrasher said it is great to have Superintendent come in to keep the Town informed about what the school is offering. Luis said there is a waiting list and have over five hundred applicants. Lynda Walsh spoke about 2009 funding for Special Education. Luis said there are three areas that are committed, first IDEA Special Ed. He expects to get a bit over \$200,000 over the course of two years. He expects to spend about half in 2010 and the remainder in 2011 for sustainable program. He said he does not know the amount of funding under Title 1 and stimulus funding.

**8:00 – Budget Update** – Randy Scollins was present to discuss the FY-10 Budget – He said the current status of the FY-10 Budget is a \$694,000 deficit – a \$121,000 change for the worse since the last meeting. The two primary changes are \$130,000 increase in Snow and Ice and an \$8,100.00 reduction in the Southeastern Regional School District estimated assessment. He thanked Superintendent Lopes for the way he has managed his budget. Randy said Superintendent Lopes is very respectful of where the funds come from and comes each year to BOS and Advisory Committee meetings to review his budget. Randy Scollins pointed out that the Town should not rely on the Governor’s proposed new taxes on meals and hotels because the Speaker of the House came out against those proposals. Those figures were not included in Randy’s forecast for State Aid money. He said the Governor unveiled a plan to use \$168M in Federal Economic Stimulus funds to supplement the Chapter 70 School Aid next year. He and Andy have had conversations with others and there is a high degree of confidence that the funds associated with that would get distributed as the Governor has proposed. The proposal by the Governor is to bring those communities that were not up to foundation up to foundation. He said Foxborough is one of those communities that would benefit by \$615,000; some other communities that showed up on the list that one would not expect to be on the list. He said there is some controversy on that issue. There are only 161 school districts that were earmarked for those funds. Randy pointed out that the general feeling at this point in time that the Governor’s proposal on the distribution of those funds would stay intact. Based on this formula, Foxborough would be in line to receive \$615,000 next year through the school system. This has been discussed and agreement reached to use this money to go towards

closing the budget gap, leaving a remaining deficit of just over \$78,000 and further agreed to reduce spending requests to get to a balanced budget. One more meeting is scheduled to get to a final recommendation and iron out final details on this Stimulus money. The School Committee would then be asked to vote next Monday on their budget and the plan is to bring a balanced budget before the Board next Tuesday. He said due to timing of the votes he would not have advance materials for the Board's review until after School Committee votes.

Mark Sullivan pointed out that Vice Chairman Paul Feeney, Jim Thrasher and Paul Mortenson had arranged for a special meeting next week which was not on the schedule. Jim Thrasher said the Board voted on that and Town Manager realized the Board needed to have that meeting and that is why it was scheduled. Randy Scollins pointed out that they are very mindful that the Stimulus money will come and go. The good news is that the school funding for FY-10 is possibly going to be repeated in FY-11 to provide some relief for Foxborough. Andy Gala pointed out that the Town has been in a downward cycle that is going to last for a couple of years. Randy said it is important to keep in mind that these funds will come and go and the Town would be right back where it was in terms of sources of revenue and unless the State situation has not materially changed the Town would be back on our own reserves to sustain services. That is why he continues to recommend maintaining reserves in order to sustain services over the long term.

Lynda Walsh feels Randy and the Committee has done a fantastic job and that Foxborough is a Town that will survive due to the planning that has been done especially "up on Route 1". The neighbors there "have saved us" and they were not there five years ago. The revenue the Town gets from that is really what is putting Foxborough at the "top of the list"; neighboring towns do not have what Foxborough has, so all "the haters" out there need to realize that the development on Route 1 is very important. Randy Scollins pointed out the Town is very fortunate to have that development and without it, there would be a very different scenario. Andy Gala said in reference to good planning and at the December Town Meeting the voters were very supportive of the recommendations made concerning the reserves that the Town had on other things and all that has helped. Mark Sullivan pointed out that taxation is coming but that if it had come two or three years ago, it would all ready have been disbursed to into the town budget for fire, police and other areas so that we would not have another source of income to disburse into the needed areas now. Randy Scollins said the Town is now in a position to sustain services which is not a position the Town was in during the last downturn. Andy Gala said the Town is not meeting all the needs of all the departments but are maintaining the level of services and not laying anybody off.

**8:20 – MEPA Process Phase III** – Mark Resnick, Town Planner, and Dan Krantz, the Kraft Group, were present to go over the MEPA Process Phase III Infrastructure Project on Route 1. Marc Resnick explained the Kraft Group has filed a Notice of Project Change for the proposed office development or the Bio-tech Park to be located across from Route 1 of the existing Stadium and Patriot Place. This has been filed with the MEPA office and the comment period is open until April 10, 2009. He said the Planning Board is also reviewing the Notice of Project Change and would be discussing the same on the Thursday night meeting. Dan Krantz said the Kraft Group has a desire to continue to develop the property across the street from the Stadium and the next logical step is to develop a large scale office park. The addition of a large scale office park seems to be a complimentary feature to what is currently at Patriot Place and to have a significant office park with significant employment opportunities across the street is beneficial to the Route 1 corridor and to the surrounding communities. The first step in the process is to get the site development ready and by the MEPA process, the Massachusetts CPA which is the first step in the environmental process and in the planning process for the State, that is what the Kraft Group has just initiated. Dan Krantz said they anticipate that it will be a long process. Dan had a visual overview of this project. He said he had met with a number of individuals from the Town and with Exec. Office of Housing and Economic Development, Mass Highway, DEP and Board of Water & Sewer, etc. He pointed out that this is very early in the process and this is just a planning tool for the order of magnitude and general site layout. There are seven general office buildings ranging from three to six stories in size, 150,000 sq. ft. of retail proposed and parking structures for the office component. He said they are looking at this as high tech office space and there is no tenant at this time. He mentioned the future potential of a pedestrian bridge requiring modifications of the State highway and some minor revisions of Route 1 to accommodate some traffic flows. This Notice is just to get this started and they would have to come back to the Planning Board for further discussions. He said there is a slight discussion of a potential rail link but that is only in the talking stage at this time.

Andy Gala explained that he had met with Undersecretary Bialecki from the Office of Housing and Economic Development in November about the economic growth in Foxborough and the Town was approved to be a growth district in the State, one of 16 sites they were looking for to label a growth area. That made the Town eligible for some possible State funding. He has been working with Dan Krantz on State funds for building the pedestrian overpass. This is a State initiative grant growth district and he is working to see if this can be grant funded. Mark Sullivan explained that he had attended these meetings. He said this is a \$30M budget that the government Economic Council has to work with; the pedestrian bridge is a \$6M project that two other towns could not come up with the criteria to be eligible. He said to be able to apply for this funding, it would have to be done by June 30<sup>th</sup>. It is not part of the Economic Stimulus package, this is for economic development. The money could not be

appropriated for any other cause. He said if the work of past administrations had not aligned all the economic development area on Route 1 for the Town to move forward, the Town would not even be in line for this. He thanked those with whom he met for doing a great job – Mr. Bialecki, April Anderson, Lisa McKee who “brought it back to our table” when other towns cancelled out.

A lengthy general discussion ensued with questions from the Board including specifically where and how the money is to be spent, MBTA possibilities, the pedestrian overpass, type of retail anticipated, parking requirements and building to suit the tenant. Dan Krantz said the money has to be spent directly for the project; it does not go into a general fund. Mark Sullivan said there are certain criteria that must be met such as a certain number of jobs must be up and running in the year. The Town cannot just apply for the grant, build a bridge and walk away, the Town must move forward. Regarding the pedestrian bridge, Andy Gala pointed out that the bridge is a matter of public safety. Paul Mortenson inquired about the environmental impact of this development. Andy Gala said that some issues are in the process of being analyzed but nothing is complete at this time. Mark Resnick said the Planning Board along with their regular consultants are reviewing the traffic and drainage analyses that are presented in the MEPA report and there are a few sections that refer to the air quality and energy efficiencies. However, Marc said they are not reviewing those because they are somewhat regional issues; MEPA will be looking at those. He has also had discussion with the Conservation Commission concerning wet land issues. Paul Mortenson asked who gets a copy of the report. Dan Krantz said “everybody gets a copy.” He added that whenever something gets filed additional people are added to the master list for copies. Paul also inquired about funding for the Planning Board consultants. Marc Resnick said that for this particular review he had agreed with the Kraft Group that they will pay for the cost for the Planning Board’s consultants to do this review. Marc Resnick said the Kraft Group would be presenting their report to the Planning Board on Thursday of this week. He did not know if it would be a written report given the short time period or whether it would be an oral presentation. Paul Mortenson asked if there is any down side to asking for an extension of the comment time another thirty days in order to have the opportunity to review the report after input by the Planning Board’s consultants. Mark Sullivan said he has the report and finds it difficult to understand this report and feels the Board has to rely on the consultants for their input because he does not think anyone on the Board could comprehend what is in the report. Paul said he would really like to see what the consultants would have to say because the end of the comment period is only ten days away and to that seems rushed. Marc Resnick said the only question would be, as far as timing of the issuance of the certificate is concerned, is because of the funding for the pedestrian bridge and the commitment from the contractors that would have to be put in place in order to commit the funds by the end of the fiscal year. He said the timing is tight in order capture that fund and to get that process in place;

that is why the Planning Board has pushed the consultant to set aside this week to do the work. In order to try to keep the process moving to insure that at this early stage the Planning Board gets a thorough review of the bigger picture issues so that when the site specific issues are filed they would be looking at all the big plans and all the site specific details and there is a little less. Marc said there is also site plan review for the pedestrian bridge so there are issues with that that will take several meetings by the Planning Board because the bridge is not only going to function for the office park but also going to be utilized for Stadium events to try to reduce or eliminate pedestrian traffic at the grade crossing that effects the traffic flow before and after events. There are a multitude of issues just on the site plan review that will have to be looked at by the Planning Board just for this bridge. There are other steps that need to be taken before anybody commits any funding by the end of the fiscal year. Paul Mortenson pointed out that MEPA reviews more than just about the bridge but the whole picture. He asked if the site plan that would need to be done for the bridge, could that be done in parallel with the overall plan in an extended comment period.

Further discussion was held regarding the time to review the report, having the Planning Board consultants come before the BOS to answer questions or the members of the Board attending the Planning Board meeting. If attending the Planning Board meeting resulted in issues to be discussed by the Board of Selectmen, those discussions could be scheduled for the next meeting. Andy Gala said he felt it important for members of the BOS to attend the Planning Board meeting on Thursday. He said he had already scheduled meeting for Tuesday when the budget would be discussed as well as several Police Grievances that have to be addressed. Mark Sullivan said "it's all part of the process." Jim Thrasher said he would like to give Paul Mortenson the opportunity to put before this Board what he would recommend to be "our comments". Mark Sullivan said he does not see that the BOS should be involved in the whole process; it's an environmental issue where there are others to analyze these things. He said this is something that is not within the prevue of the BOS. Jim Thrasher said he would be very willing to listen and discuss any issues on this matter that Paul would deem important enough for the Board to make comments on. Jim Thrasher said he does rely on people like Mark, the Planning Board and the experts hired to interact with MEPA in order to determine the best way to regulate the development. Paul Mortenson said his preference is to have the consultants hired by the Planning Board come before the BOS to explain their reports because he feels that the BOS is entitled to make comments to MEPA. If the Board does not choose to do that, he would be very willing to attend the Planning Board meeting on Thursday even though he thinks it is more prudent to have the consultants come before the Board.

Paul Feeney disagreed with the Chairman in that the report is "over their heads". He feels that MEPA has the process for a reason – to offer comments. He feels it is under the prevue of the Board as is anything that comes before the

Board especially something of this scope. He feels the Board has to at least make an attempt. If logistically it cannot happen, there are a couple of options – that Paul could go to the meeting on Thursday, there is nothing that precludes individual elected Town officials from offering their own comments, not necessarily done as a Board or the Board could, tomorrow, ask for an extension to a date certain because of a logistics problem, could the Board wait until after they hear from the consultants to offer comments. At that point, the Town would be at the whim of the Executive Office of Environmental Affairs. He said he would hope that this would not put any undue pressure on the developers or on the State as far as the type of development being planned. It is important for the people of Foxborough that the Board at least look at it and listen to the consultants. Mark Sullivan said that there would be no problem if all members of the Board attended the Planning Board meeting as long as there was no discussion between them regarding any policy on what is going forward.

Lynda Walsh said she thought the meeting tonight was to be given an update and/or explanation of where this project is and what the next steps are to move forward. She said that Marc Resnick had done that and should move ahead with his meeting next Thursday. She said she was planning on attending the Planning Board meeting to get caught up on what is going on; it's an open meeting so anyone can go there, listen to what is presented and make comments. She puts her trust in the Boards that are appointed and believe in Marc and his Board as well as the hired consultants.

Her question to Dan Krantz, if the Planning Board or the BOS are not satisfied with the report or still have questions, what does an extension do to this project at this time. Dan said he is not 100% sure because it is a decision made by the MEPA director. He said it ties to the funding process for the pedestrian bridge. Lynda said “that hurts all the way around.”

Jim Thrasher asked how many consultants would be at the meeting on Thursday. Marc Resnick said it would be representatives from the McGuire Group and P.B. Sport. McGuire Group is going to give a presentation on the review of the drainage section of the report and P.B. Sport is going to give a presentation on the review of the transportation portion of the report. Jim said he is hearing that the report is not yet done, the consultants are coming in, this Board has a right to make comments but the Board does not have the knowledge to make the necessary comments, Board members can go to the meeting on Thursday, do their own investigation, come back to the Board on Tuesday to try to convince the rest of the Board to make comments on a report that he has not read and does not understand – that is what he sees is in front of the Board. Marc Resnick said the Board is not obligated to make comments. Jim said he feels the position Mr. Mortenson is coming from is “err on the side of caution”, investigate as much as possible, determine whether or not comments from the Board are appropriate and that there is a very limited window of time in

order to do that. He pointed out that members of the Board could attend the meeting on Thursday and still ask that the report, the papers and the experts come before the Board and discuss this for half an hour next week in order for at least the Board to make an informed decision as to whether or not it wants to make comments. He asked "can we do that?" Marc Resnick said that he is not sure if the Planning Board needs to meet next week; they may have to meet on Tuesday night as well. He said no meeting has been scheduled for next week but that they were going to try to set aside some time next week, he did not know what night. Jim said he was trying to get the Board to commit to a course of action in the face of an issue that Paul Mortenson has raised relative to what needs to be done in order to make comments. Andy Gala said he could put a place on the agenda for discussion for the meeting next Tuesday since there is no definite date for Planning Board meeting, but they should have some information on Thursday. Paul Mortenson said that at that time a request could be made for an extension. Jim Thrasher said it is important to proceed as if an extension would not be granted. He said we need to have whatever is necessary to make comments by the next meeting. Three ways to do that – reading, make materials available to any member of the Board who wants to read them, attend the meeting on Thursday and request anyone who has important information to come in and meet with the Board here on next Tuesday – that will give the Board the information needed, it works within the time line and will cause us to request that Andy juggle the agenda and reach out to whomever the Board might want to hear from. Paul Mortenson said the options appear to be – one, he could read the report that would be like Greek to him, option two, he attends the Planning Board meeting on Thursday for which he does not have a report from the consultants yet, so would be kind of difficult and option three, request an extension. If the issue is funding on the bridge, Paul said he does not believe a two week extension would "kill" that. He feels the Board is elected to try to exercise individual judgment and there is a big difference. He said he really feels it is important to have the consultants come in for at least a half hour on Tuesday; if that is not possible, it shows the Board is not exercising an important responsibility. Paul Feeney suggested putting this on the agenda that there would be a discussion about possible comments on the MEPA study. Paul Mortenson said he feels that a two week extension would be granted and there would be no adverse effect on this particular project. Marc Resnick said their contract with the Planning Board is for a couple of meetings for a set amount. Jim Thrasher asked Marc to speak freely if he thinks it is not a good idea as he seems to be resisting the idea. Marc responded saying the Selectmen are entitled to come to the meeting. He said it's a development issue with a larger town-wide reason why the Selectmen...I think the Board really cannot know what the issues are. He said the Board should really attend the meeting on Thursday to hear the report and get a copy of what gets passed out and then be free to comment. He does, however, feel it is a development issue; development boards each charged with a component to look at are the ones.

Lynda Walsh said the report that the consultants are going to give is detailed information about what is being presented to MEMA for this project. She said comments would be reviewed by Marc and he would take the information back to his Board for further review. That report is a report to Marc as the Town Planner indicating that there might be a couple of things that might spark up when the report gets to MEMA and need to be addressed before it gets done. She asked Dan Krantz if he would be helped by that report as well. Lynda agreed with Marc that the Board is getting into a realm that Marc and the Planning Board are well versed in. She said she would probably have very few comments if the consultants do come before the Board.

Much discussion was held, going back and forth, about attending the Thursday meeting, putting a discussion on the agenda for the BOS meeting on Tuesday, review of the report and asking for an extension and about the Board's responsibility on this issue. Paul Mortenson suggested asking for a two week extension that would give an opportunity for the Board to come to a collective judgment on whether or not it is important to submit comments. Jim Thrasher pointed out that there is no assurance that an extension would be granted. He asked if the Board can do what they want to do within the time constraints given. Paul asked if it would be that harmful then to have a two week extension on the comments. Dan Krantz said that based on the June 30 time frame, obviously two weeks from now and June 30<sup>th</sup> is a significant component. It makes a difference. Paul Mortenson said he thinks fifteen days is a very short period of time and respecting the comment by Dan Krantz that it would be such a problem with the bridge financing, but the bridge is not going to go away for two weeks. Mark Sullivan pointed out that there is a time restraint involved where that two weeks could mean \$6M. He finds this very troublesome. Paul Mortenson said his simple goal is to get a report from the consultants, he wants to read it and get other peoples input because there might be things in there that we, as an independent board, think it is important to protect things in Foxborough. He said what they might be, he doesn't know. He continued to explain why he feels it is important to invite the consultants in, have the opportunity to review the report and make a decision about submitting comments.

Motion by Paul Mortenson to invite the consultants who were hired to look at this MEPA letter and the repercussions of it to come to the Board meeting on Tuesday. Seconded by Paul Feeney.

Jim Thrasher asked when the report would be generated. Marc Resnick said to his knowledge it would be passed out at the Thursday Planning Board meeting. Jim asked about the possibility of having this report put into their weekend package, if not put on the table so that they could come to the Town Hall and read it. Mark Sullivan suggested having a Board meeting on Thursday with the Planning Board. Paul Feeney said that in his experience NPP and the Kraft Organization have always done a great job in preparing MEPA study or any

study so there may be a point where the Board offers no comment but to throw away the opportunity to comment is irresponsible. The Board should at least take the time to make an attempt, not putting anything in jeopardy; we are being offered the opportunity to make comments on a MEPA study. He said we have no information before the Board at this time, had a very broad presentation tonight and there is going to be a little bit more information from the consultants, probably not going to understand the details but the Board has an obligation to at least make an attempt. He said it is crazy to give up that opportunity. He said it is a matter of how the Board operates as a government. The Board is offered a way to make comments on a MEPA study, there is limited time to do that but do not have any information in order to make an educated guess on whether or not want to make comments. He pointed out that all on the Board do not have to be experts but are elected to do due diligence, understand it and go forward. Mark Sullivan said the process is in place and the opportunity to comment comes during the Planning Board process; that is when things get straightened out. Jim Thrasher said that what he is going to miss most is coming to a meeting where the Board spends talking for 45 minutes about whether they should spend 30 minutes next week talking about something. He said a simple solution is that a meeting is all ready scheduled next week, if the report is available and is put into the weekly package, we ask the authors of the report to come in so that if the Board has questions about the report, we ask them. The Board is not taking the Planning Board role, not taking the Town Planner's role or not taking the developers' role, simply looking to see if there is a comment the Board wishes to make. If that is done on Tuesday the Board makes a decision on something that is so complicated and so in need of further study; then the Board would have to go to the Commonwealth and ask for more time. He said that right now, he does not see a need for that; he would like to see "where we stand next week". Lynda Walsh said she would like Marc Resnick to be included in that meeting to summarize what the consultants' report entails.

A question was raised about withdrawing the motion. Paul Mortenson said he would withdraw his motion. Mark Sullivan said the motion is withdrawn and the second is withdrawn. Chief O'Leary was asked to speak. He commented that the bridge is a very, very important component of a public safety issue. He said it goes back to the very first meeting when he became Chief trying to insure traffic safety for large Stadium events. It was brought up when first talking about the initial development of Patriot Place. Chief O'Leary said even if the rest of the project doesn't happen for five years because of the economy, it is crucial for the Town to get that pedestrian cross over. He will be going to the meeting on Thursday and he is sure the consultants will provide guidance in terms of comments that are needed or at least a better understanding of what the study is telling him from his traffic safety aspect that he is concerned about.

Kevin Weinfeld, Planning Board Chairman, said that the Planning Board had the opportunity to ask for an extension immediately, they did not do that because they felt they had an opportunity to speak with the consultants, let them talk to the Planning Board. He pointed out that their meeting is Thursday, a meeting is scheduled for tomorrow they will get information for their meeting on Thursday and that would still give them time to post a meeting for Tuesday if they needed to meet with the BOS in joint session and at that point they could make a decision to extend if necessary. He said he agrees with Chief O'Leary on his first comment but the purpose of the commentary and the investigation in this particular situation is not about the bridge. The Planning Board is very concerned that they might miss the opportunity for the \$6M to get the overpass done. Their purpose in the commentary goes beyond that because this is a filing for the full Phase III. There are other parts of this development that are going to happen down the road and that is important for the Planning Board to have a shot at working with the consultants to see what is going to happen in 12, 18 months or even three years from now as each piece comes on line in terms of traffic flow, any issues for Water & Sewer needs in that area, etc. Part of the development goes up and then others come along, Part A goes into effect; they wanted the opportunity to look at the whole thing now because the Kraft Group has submitted the whole thing. If the Planning Board thinks an extension is needed they would tell the Kraft Group that they need a little more time, but if not, Planning does not want to potentially jeopardize the window that is open right now even though it is a small one in terms of what the State is extending to the Town at this time. He said they just do not want to "go off the deep end"; did not see anything that jumps out to say it must be dealt with now. He feels there is enough time to do everything that they need between tomorrow's meeting with the consultants, Thursday's report back to Planning and then the BOS having a chance to look at the report and then if necessary time to post a meeting with the BOS.

Motion by Jim Thrasher that on Tuesday, April 7, 2009 we place as an agenda item a discussion of a review of the report of McGuire and P.B. and request that a representative of McGuire and P.B. make him- or herself available to attend our meeting at the appointed time of 7:30 p.m. with the Planning Board. Seconded by Mark Sullivan

Discussion – Jim Thrasher said in the event that the Planning Board determines on Thursday that we might make a mistake or that we may need information that they have. He said he would leave it up to Kevin Weinfeld. Kevin said that he would guess that a member or two would attend that meeting in order to give any feedback they might have. Jim asked Dan what is the last latest date in the event that one board of another asks for a couple weeks. He said it seems a reasonable thing if there is a deadline of April 7<sup>th</sup> and it is being moved to April 20<sup>th</sup> and looking to the end of June there is still time. He said he would not want to do anything that jeopardizes the funds for the walkover. He

suggested that Paul Mortenson might want to do some investigation on his own. Jim said that any information Paul gets he should come back to the Board with it.

**Vote: 4-1-0** Mark Sullivan voted in the negative because he does not think this Board should be doing other Boards work – going to their meetings, etc. these are things that should be done in a committee and that is where he was going with this.

**ACTION:**

**Minutes** – The Minutes for the Board of Selectmen’s Meeting of March 10, 2009 were reviewed.

Motion by Jim Thrasher to approve the Minutes of March 10, 2009. Seconded by Paul Mortenson. **Vote: 5-0-0**

**Citation – Post Cane** – Andy Gala explained the tradition to pass on the Post Cane to the oldest resident of the community, Harry Cederlund. Jack Authelet will have a presentation on April 2, 2009. He had a citation to be signed by the Board. A brief discussion was held on what member of the Board could be present and in their absence could Andy Gala be there on the Board’s behalf.

**Donation** – Received from Jerry M. Cirillo notice of the receipt of a gift to the Boyden Library in the amount of \$3,950.00 from the Lakeview Pavilion Charitable Foundation Corp. to be deposited in the Library Gift Fund.

Motion by Jim Thrasher to accept the gift from the Lakeview Pavilion Charitable Foundation Corp. in the amount of \$3,950.00 to be deposited in the Library Gift Fund. Seconded by Lynda Walsh. **Vote: 5-0-0**

**Hackie License Renewal** – Received from Michael Cameron Halvey, 13 Mechanic Street, Apt. #1, Foxborough an application for a Hackie License renewal.

Motion by Lynda Walsh to approve the application as submitted by Michael Cameron Halvey for a Hackie’s License Renewal for two years, to drive for East Coast Limo. Seconded by Paul Feeney. **Vote: 5-0-0**

**Re-appointment** – Received a request from James W. Evans, Jr., 35 Stratton Lane, a request to be re-appointed to the Industrial Development Finance Authority, expiring April 1, 2014.

Motion by Jim Thrasher to re-appoint James W. Evans, Jr., 35 Stratton Lane, to a position on the Industrial Development Finance Authority expiring on April 1, 2014. Seconded by Paul Mortenson. **Vote: 5-0-0**

**Request to use the Common** - Received from Donna Cummings, Foxboro Jaycees, a request to hold the annual Easter Egg Hunt on the Common on April 4, 2009 from 11:00 to 12:00 noon. A rain date requested for the following day.

Motion by Jim Thrasher that the Selectmen allow the Foxboro Jaycees to hold the annual Easter Egg Hunt on the Common as outlined in the letter dated March 15, 2009. Seconded by Paul Feeney. **Vote: 5-0-0**

**Donation** – Received notice from Jerry Cirillo of receipt of a check from Foxboro Federal Savings in the amount of \$500.00 to be deposited in the Library Gift Fund.

Motion by Jim Thrasher to accept the gift from Foxboro Federal Savings in the amount of \$500.00 to be deposited in the Boyden Library Gift Fund. Seconded by Lynda Walsh. **Vote: 5-0-0**

**Annual Opening Day Parade** – Received from the Foxboro Youth Baseball & Softball League a request for permission to hold their annual Opening Day Parade on Foxboro roads on Saturday, April 11, 2009 at 8:30 a.m., the beginning of the baseball season.

Motion by Jim Thrasher to approve the request from the Foxboro Youth Baseball & Softball League to hold their annual Opening Day Parade as outlined in the letter dated March 27, 2009. Seconded by Lynda Walsh. **Vote: 5-0-0**

Andy Gala said he had sent around to the Board members the Amendment to the Right-of-Way By-Law that has been put together with input from Verizon and Town Counsel's office. Paul Mortenson said the import of that is that it goes to through Town Meeting, Verizon will come in. Andy Gala said "absolutely." Jim Thrasher pointed out that the Right-of-Way By-Law stays intact except for this Amendment. Andy said this is a new Section 11 which will exempt licensed cable operators and public utilities from the by-law. Jim pointed out that this is a result of a lot of negotiations between the Town and Verizon. Andy said it represents over three months of work with Verizon's attorneys and Town Counsel's office. Jim said he appreciates the work that Andy has put into this because he thinks that is what the Town has been looking for for months – a little ground where the Town can encourage competition in the cable business and at the same time satisfy those who think there is value to be gained in the Right-of-Way By-Law. Andy said he thought that was an important point that Jim always brought out and he supported it. It is good to have competition in the Community. He said he had copied Comcast on various iterations in the By-Law; they were sent this Amendment. Comcast responded with a request to add a phrase in the law. He said Counsel said it should not be added as it is not necessary but they are still talking to Comcast about this and it could always be

amended on Town Meeting floor. Jim Thrasher noted that Paul Feeney and Mark Sullivan had recused themselves from any discussion on this and therefore he spoke to Lynda Walsh. He said he feels it is appropriate that the Board signify its support of the Right-of Way By-Law.

Motion by Jim Thrasher that we support the draft Article for the 2009 Annual Town Meeting to amend the Right-of-Way By-Law as set out in the submission that the Town Manager has given the Board tonight. Seconded by Paul Mortenson.

Paul Mortenson said this is a great job all around. He said he was a skeptic and thought the Town should just get rid of the By-Law but that this is a much better resolution. Lynda said it satisfies everybody and that is a great thing. She also called to Attorney Leo Peloquin's attention the point that the Speaker of the House is talking about the telecom property tax and that it is probably going to pass. If that goes through there would be more revenue for the Town regardless about the Right-of-Way By-Law the Town can still make out well.

**Vote: 3-0-2** (Mark Sullivan and Paul Feeney abstaining.)

Motion by Paul Feeney to go into Executive Session for the purpose of discussing Collective Bargaining and to exit from Executive Session for the sole purpose of adjournment. Seconded by Paul Mortenson.

<b>Vote: 5-0-0</b>	Mark Sullivan, Chairman	Yes
	Paul Feeney, Vice Chairman	Yes
	Lynda Walsh, Clerk	Yes
	Paul Mortenson	Yes
	Jim Thrasher	Yes

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

**Vote: 5-0-0** Meeting adjourned at \_\_\_\_\_ p.m.

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Lynda Walsh, Clerk