

SELECTMEN'S MEETING MINUTES
August 10, 2010

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

Others Present: Andy Gala, Town Manager
Randy Scollins, Finance Director
Bob Swanson, Highway Superintendent
Attorney Peter L. Tamm, Patriot Place
Larry J. Cappos, Manager, Toby Keith's I Love This Bar & Grill
Anthony LaChapelle, Chairman, Town Manager Search
Committee
Tom Groux, Consultant, Town Manager Search Committee
Bob Cutler and Rebecca Center, Town Manager Search
Committee
Peter Dowd, Jr., Big LLC d.b.a. SkipJack's
Police Chief O'Leary
Fire Chief Hatfield
George Bell, Stadium Advisory Committee

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

7:00 – Citizens Input – Gordon Greene came before the Board of Selectmen to talk about the audio system for the BOS Meetings. He said the audio is very bad; it is difficult to hear what some of the Board members are saying. He asked that the Board do whatever can be done to improve the audio system. He pointed out that many citizens depend on the broadcast of the meetings and they deserve to hear all that is said. Mike Webber said some improvements have been made; he pointed out that the system is 25 years old but he is confident that the right equipment is in place.

Maryellen Davis handed out a petition asking that the Board not allow parking lots to open more than three hours prior to the main event. She asked for more security upon entering the parking lots. She and others are very concerned about the increasing number of arrests. In her opinion allowing early arrivals seems to be a negative.

7:05 – Public Hearing – CRGE Foxborough, LLC – DBA “Toby Keith’s I Love This Bar & Grill” –

The purpose of this Public Hearing is to discuss a request by “Tody Keith’s I Love This Bar & Grill” at 275 Patriot Place for a Change of Manager, a request for 11:00 a.m. opening hours on Patriots Sunday home game for the 2010 football season,

an application for Sunday Entertainment License and an Automatic Amusement Device License.

Attorney Peter Tamm, Goulston & Storrs, explained that the former Manager had taken another opportunity and that it is important to have the correct name of the Manager on file. Larry Cappos is the new manager. The request for early opening hours starting at 11:00 a.m. on Sundays for the Patriots home games is in keeping with other restaurants in the area. The Sunday Entertainment License application is to allow live country music events and the Automatic Amusement Device is for an automatic bull. CRGE have had success with this in other locations.

A brief discussion was held. Mr. Cappos explained that he would be on site two weeks prior to the opening and four to six weeks after that. He would then be looking for a candidate to replace himself. He would monitor the restaurant to make sure everything is being done as intended. He understands that there is zero tolerance for serving alcohol to underage patrons; he has talked to Chief O'Leary on this matter. Appropriate judgment would be made regarding who would be allowed on the bull. The issue of being "the last place served" was discussed; it was pointed out that it is important to have strict control over serving anybody beyond their capacity or anyone under age being served.

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

Motion by Paul Mortenson to approve the application for Change of Manager to Larry Cappos as submitted. Seconded by Lorraine Brue. **Vote: 5-0-0**

Motion by Paul Mortenson to approve the extension of liquor license hours to 11:00 a.m. on the Patriots Sunday home games for the 2010 football season as requested. Seconded by Lorraine Brue. **Vote: 5-0-0**

Motion by Paul Mortenson to approve the application for Sunday Entertainment License as submitted. Seconded by Lorraine Brue. **Vote: 5-0-0**

Motion by Paul Mortenson to approve the application for an Automatic Amusement Device License subject to approval of Town Counsel. Seconded by Lorraine Brue. **Vote: 5-0-0**

7:25 – Town Manager Search Committee – Tony LaChapelle, Chairman, and other members of the Town Manager Search Committee came before the Board to give a status report. Tony LaChapelle said the Committee had narrowed the search to three good candidates. However, one of the three had just notified Tony that he had serious reservations about whether this was a "level playing" field. The applicant does not want to risk his current position and therefore, his name has

been removed from consideration. Rebecca Center made a brief statement about how difficult it is to replace someone who has given so much to the Town. She said the Committee has worked long and hard to make decisions and to make sure the right candidate is chosen. Tony LaChapelle gave the names of the two remaining candidates – Kevin Paicos and William R. Scollins, III. He said although they differ in background either candidate would be very capable serving as Town Manager for Foxborough.

A general discussion ensued. Tom Groux, Consultant, explained that a major problem with this process is that everybody had all ready read the premature newspaper release of Randy Scollins' interest. He said that has been a serious drawback for attracting people who might otherwise be interested. Bob Cutler commented that this has been a good process that has brought forth qualified candidates. He would like to have the Board move forward with these two candidates and hopefully there could be a third. Lynda Walsh suggested moving forward with this process and schedule the interviews for a meeting on Monday. Tom Groux stressed that it is important to have five affirmative votes on any candidate. He recommended the Board come forward with a unanimous vote.

7:45 – Public Hearing – Big Tuna, LLC DBA SkipJack's at 226 Patriot Place –
The purpose of this Public Hearing is to discuss the request for extended hours starting at 10:00 a.m. Peter Dowd, Jr. explained the reason for this request would be consistent with the other 15 establishments that serve brunch.

A general discussion was held. It was pointed out that to extend the hours to 10:00 a.m. for one restaurant would encourage all others to make a similar request. Chief O'Leary noted that no matter if hours are extended if the restaurant serves alcohol food must accompany that service. Peter Down explained that serving food only is about 75% of the business while only 25% consists of food and alcohol. He said SkipJack's has never been promoted as a bar and lounge, rather it is a destination for good food. Board members expressed an inclination to not approve this request.

Motion by Paul Mortenson to continue this Public Hearing to the September 24, 2010 meeting. Seconded by Larry Harrington. **Vote: 5-0-0**

ACTION:

Invoice – Received from Collins, Loughran & Peloquin, P.C. an invoice in the amount of \$4,393.75 for services rendered July 1 through July 31, 2010.

Motion by Paul Mortenson to approve the invoice in the amount of \$4,393.75 as submitted by Collins, Loughran & Peloquin, P.C. for services rendered during the month of July, 2010. Seconded by Larry Harrington. **Vote: 5-0-0**

Library Donation –Received from Jerry Cirillo, Library Director, notice of a donation in the amount of \$250.00 from the Foxboro Jaycees.

Motion by Paul Mortenson to accept with gratitude the donation to the Library Gift Fund from the Foxboro Jaycees in the amount of \$250.00. Seconded by Larry Harrington. **Vote: 5-0-0**

Recreation Board Resignation – Received from Debbie Giardino, Recreation Director, notice of the resignation from the Board of Recreation of Anita Kloss and a request to approve the appointment of Diana Griffin as a permanent member of the Board.

Motion by Larry Harrington to accept the resignation of Anita Kloss from the Board of Recreation and to approve the appointment of Diana Griffin as a permanent member of the Board for a term expiring 05/01/13. Seconded by Paul Mortenson.

Vote: 5-0-0

Town Counsel Renewal Appointment – Received notice of renewal of appointment of Attorney Paul R. DeRensis as Town Counsel with a term expiring August 12, 2011.

Motion by Larry Harrington to approve the appointment of Attorney Paul R. DeRensis as Town Counsel for a one year period.

A brief discussion was held regarding possible changes in rates and an opportunity to review the contract. It was made clear that the Board is very satisfied with the services rendered by Attorney DeRensis and any delay in reappointment is not a negative but rather an opportunity for further review. The motion was withdrawn.

Motion by Larry Harrington to table this item until the next scheduled meeting. Seconded by Paul Mortenson. **Vote: 5-0-0**

Public Hearing Request – Received from Police Chief O’Leary a request to schedule a Public Hearing on an incident involving Bar Louie.

Motion by Larry Harrington to conduct a Public Hearing on an incident involving Bar Louie Restaurant. Seconded by Paul Mortenson. **Vote: 5-0-0**

Extension of Liquor License hours – Received from James Nolan, Jr., on behalf of Gillette Stadium a request for an extension of liquor license hours beginning at 11:00 a.m. on Sundays during the 2010 football season.

A brief discussion was held regarding the time of the scheduled games, whether it is appropriate to extend hours if the games are late afternoon or evening games.

Motion by Paul Mortenson to table this item until the August 24th scheduled meeting. Seconded by Lorraine Brue. **Vote: 5-0-0**

Increase in Commercial Parking – Received from Calvin & Ellen Davis, 200 North Street, a request for a temporary parking lot for 40 parking spaces at 200 North Street.

Motion by Paul Mortenson to approve the request for a temporary parking lot for 40 spaces as outlined in a letter dated June 14, 2010 from Calvin & Ellen Davis. Seconded by Jim DeVellis. **Vote: 5-0-0**

Motorcycle Ride Notice – Received from Tom Grant on behalf of the Norfolk Lions Club a notice of the scheduled “Riding for the Blind” event and to advise that the route runs through certain areas of Foxborough. No Action Necessary.

Seat Belt Enforcement – Received from the Commonwealth of Mass Executive Office of Public Safety and Security a request to intensify enforcement of seat belt and child safety seat laws. This request is to encourage officers to issue citations or written warnings to those drivers who are unbelted when stopped for traffic violations. A brief discussion was held. No action necessary.

Stop Sign Request – A request has been made by Michelle Noone, 110 South High Street and other residents of the neighborhood for additional stop signs or speed bumps. Bob Swanson, Highway Superintendent, sent a memo regarding this request.

A brief discussion was held. Bob Swanson explained that additional stop signs would not properly address the issue. The issue is enforcement of signs all ready in place. He recommended putting the Speed Trailer in the area to try to control speed. Chief O’Leary pointed out that this is a three way intersection with two stop signs. He suggested all three streets have a stop sign to be consistent. A suggestion was made for installing a platform to slow the traffic. Bob Swanson asked for a public hearing; it was scheduled for the meeting of August 31, 2010.

Library Request for Crosswalk Signs – In response to this request Bob Swanson said he has installed a rubber “Stop for Pedestrians” sign on Cocasset Street. He explained that other type of signs just get destroyed. He suggests the library employees park on Railroad Ave. rather than around the Common. Chief O’Leary pointed out that the when the library is expanded there would be more parking and safety issues that would have to be resolved. No action necessary.

Eagle Scout Court of Honor – Received an invitation from Paul Civitarese, Eagle Scout Coordinator an invitation to the Board to attend the Eagle Scout Court of Honor for Scout Alan P. Humphrey on Thursday evening, August 12, 2010. Members of the Board will check schedules.

Warrant for State Primary – The Warrant for the State Primary on Tuesday, September 14, 2010 was submitted for the Board’s approval.

Motion by Paul Mortenson to approve and post the Warrant as presented. Seconded by Lorraine Brue. **Vote: 5-0-0**

8:30 – Staffing at Country Music Festival – Police Chief O’Leary, Fire Chief Hatfield and George Bell were present for this discussion. Chief Hatfield said he is very comfortable with what is in place for this event. It is a level 5 event. He reviewed all steps taken by his department to ensure the health and safety of the fans. His staff would provide support for the police in the compound area. When asked, both the Chief of Police and Fire Chief stated that they have enough resources to adequately handle the concert.

Police Chief O’Leary said there have been two meetings where parking issues and underage drinking issues have been discussed. He has increased the number of wagons needed to deal with custodies. Expected attendance is 52,000 people. Cars will not be allowed into the parking areas unless the passengers have tickets to the show. The Chief reviewed additional steps to ensure a safe event.

George Bell, Chairman, Stadium Advisory Committee, said the event seems to be well planned. He explained the function of the Stadium Advisory Committee during events.

A general discussion ensued. Issues raised by the Board included security and how that has been addressed by the Stadium, what steps the Police Chief has taken to address underage drinking and traffic issues.

Request for Executive Session – Lorraine Brue asked for an Executive Session to discuss issues on public safety at the Country Music Festival.

Motion by Lorraine Brue to go into Executive Session to discuss Public Safety at the Country Music Festival and to exit Executive Session for the sole purpose of adjournment. Seconded by Paul Mortenson.

Discussion – Larry Harrington felt there was no reason to go into executive session; that any questions could be discussed in the open meeting. It was suggested that Lorraine Brue ask her questions and then decide whether or not to go into executive session. Jim DeVellis was not comfortable going into executive session. Larry Harrington pointed out that the Police Chief is comfortable with

resolutions put in place last year and that questions could be answered in open meeting. Lorraine Brue said she would like to make sure how certain details in terms of staffing are going to be handled this year.

In light of the open meeting laws, Larry Harrington asked Lorraine Brue to ask her questions publicly and, if necessary, go in to Executive session. He noted that Lorraine Brue was not able to answer. Lorraine stated that she felt it was not appropriate to ask security questions publicly.

Vote: 3-2-0	Lynda Walsh, Chairman	Yes	
	Larry Harrington, Vice Chair.	No	
	Jim DeVellis, Clerk	No	
	Lorraine Brue		Yes
	Paul Mortenson	Yes	

Motion to adjourn by Jim DeVellis. Seconded by Lorraine Brue.

Vote: 5-0-0 Meeting adjourned at 10:15 p.m.

Jim DeVellis, Clerk