

SELECTMEN'S MEETING MINUTES
September 18, 2012

Members Present: James DeVellis, Chairman
Mark Sullivan, Vice Chairman
Lorraine Brue, Clerk
Lynda Walsh
Ginny Coppola

Others Present: Town Manager Kevin Paicos
Atty. Greg DeMark, 99 Restaurant
Building Inspector Bill Casbarra
Joseph Milani & Michael McKeon of Kaestle Boos Architects
Mike Johns & Bob Siteman, Veterans Services
Town Planner Sharon Wason
Dan Kranz, Dan Murphy, Ted Fire, and Jim Cobrey of the Kraft Group
Town Counsel Dick Gelerman

The meeting was brought to order at 7:00 p.m. by James DeVellis, Chairman. Chairman DeVellis reviewed the agenda.

7:00 p.m. – Citizen's Input

Jack Authelet and Jonathan Turner came before the Board. Mr. Turner's grandfather, Pete Turner, was the first Building Inspector in Foxboro in the early sixties. He was also on many other Boards and Committees. He is now 93 years old and has given 51 years of service to the town. Mr. Turner would like to have a plaque made to be placed in the refurbished or new town hall to thank his grandfather for his many years of service. Mr. Authelet stated that a fund will be set up for donations for the plaque.

John Anastasi of 209 Main Street wanted to share his concerns with the recent Country Fest held at the stadium. He noted that there were 617 people taken into custody compared to 66 at the Bruce Springsteen concert and 17 at the last football game. He lives near the stadium and had a hard time getting home; he was stuck in traffic for four hours. He thinks a better traffic plan is needed; it is a major inconvenience for him and his neighbors. He thinks the police department does a great job, but events like this max out the department. He also noted a loophole to get to the stadium without a ticket; you just say you are going shopping. Many young people use this to then go tailgating at the stadium without actually having a ticket to the event. He thinks a two-day festival is too long and should be reconsidered next year.

Chairman's Update:

Bob Siteman of 30 Taylor Road and representative of the Veteran's Services Department noted that the Veteran's would be at the Common this Saturday for the POW/MIA Remembrance Day at 4:45 p.m.

The Planning Board is in the final stages of the Master Plan and it will be available at foxboroughmasterplan.com.

Charlie Masison had his last show on Foxboro Cable last week. He made over 600 shows the past eleven years. Mr. DeVellis would like to invite him to a future meeting for congratulations.

Town Hall Repairs

Building Inspector Bill Casbarra and Joseph Milani & Michael McKeon of Kaestle Boos Architects came before the Board to present Town Hall repair/renovation options.

They have prepared a priority list of short term repairs at town hall to improve the building. The list includes the roof and systems in the building. A health assessment was performed and the only major concern is the lead in the attic.

Staff could remain in the building for roof repairs, but would need to be relocated for window replacements.

Mr. Milani had a power point presentation to illustrate the repairs and building code repair cost thresholds that would require more repairs/upgrades to the building. All of these items are repairs only, not renovations. This would not result in any more usable space in the building. The total cost would be around \$2 million dollars.

Mr. Paicos noted that he is asked why no repairs are done to the building; it is due to the thresholds being triggered by the cost of repairs and in the end, the building will still be inadequate and disgraceful in appearance.

Mr. Sullivan asked how to start a new building process.

This presentation is the first step, next would be a finance plan for Fall Town Meeting for architectural feel through final design and a Special Town Meeting for construction money. If nothing is done until spring, another year will be lost. The roof is already unstable.

Ms. Walsh inquired about the post office building.

Mr. Paicos has spoken with the Post Master, they have not decided to sell the building yet, and even if they do, there will still be build out costs there.

The town will be selling assets soon to raise some funds for a new town hall.

A motion to draft an article to allow the Town Manager and Finance Director to appropriate \$500,000 for design and planning for a new Town Hall from the Capital Stabilization Account was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

7:15 p.m. Continued Public Hearing for New Officer/Director, Issuance of Stock, Transfer of Stock and New Stockholder of an Annual All Alcohol Restaurant License at the 99 Restaurant located at 4 Fisher Street

Ms. Brue read the Public Hearing notice.

Atty Greg DeMark was present to represent the 99 Restaurant. This application is for a stock transfer to Fidelity Nation Financial, Inc. who recently bought the stock from O'Charley Inc. It involves 342 locations around the country and 61 in Massachusetts. There will be a change of officers at the corporate level and no change to the local restaurant, manager, hours, etc.

They have no violations on file with the Alcoholic Beverages Control Commission. The ABCC has approved the change of officers and a letter is enclosed in their application.

There were no public comments.

A motion to close the Public Hearing was made by Ms. Brue and seconded by Ms. Walsh. **The motion carried 5-0-0.**

A motion to approve the application for New Director/Officer, Issuance of Stock, Transfer of Stock, and New Stockholder, of an Annual All Alcoholic Beverages Restaurant License from 99 Restaurant of Boston, LLC, 4 Fisher Street, Foxboro, MA was made by Ms. Brue and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

Mike Johns and Bob Siteman – Veteran's Pay update

The Board met with Mr. Johns and Mr. Siteman for an update on pay to veterans who are deployed while working for the town. They submitted notes from their ad hoc research group. They are not yet ready for Town Meeting. They reviewed the state Local Option versus the proposed Home Rule Petition. They were told by Rep. Barrows and Sen. Timilty that a Home Rule Petition should be able to get through the State House and Senate.

Mr. Paicos noted that extensive research will be needed as well as work with the Attorney General.

Mr. Johns will put together a group to do the research.

8:05 p.m. NRCC update on Neponset Reservoir remediation work.

The Board met with Rhys Brown, Rick Lewis, Sheila Warner, Mary Peterson and Kim Mellen of the NRCC.

The Neponset Reservoir was subject to industrial pollution in the past by the Foxboro Co. who discharged heavy metals there under permits from the state and environmental authorities. Invensys has been going through the MCP process and they have submitted their final draft of the Class C-1 RAO, the public comment period is open until October 15th. Copies are available at the Library. The NRCC objects to this report on the following: Invensys claims that the reservoir is fine but there is cadmium in sediments that cause elevations in the water. The NRCC has had samples taken this year that show increasing cadmium sediments since the last samples were taken in 1998. Invensys is only proposing monitoring over the next five years. The NRCC would like to see more investigation and testing of techniques to remove the cadmium and sediments in the future. Another review will not be done for five years. They urge the Board to write up a comment letter during the public comment period. Mr. DeVelis will work with the NRCC.

Ms. Mellen noted that the Conservation Commission has been working with them and that the DPW weed whacked the earthen dam recently. The over-enrichment of phosphates causes the algae bloom that turns the water green due to excess nutrients.

Action Item:

Town Planner Sharon Wason needs signatures on the Downtown Technical Assistance Application from DHCD as it is due September 28, 2012. This is being applied for as a result of the Master Plan process as a way to make downtown Foxboro more accessible through the use of signs, banners and a digital directory/guide. The grant would be for \$10,000. A copy of the proposed banner was submitted as well as the draft application.

A motion to approve the application for a Downtown Technical Assistance Application and to authorize the Chairman to sign on behalf of the town was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

Kraft Group – discussion on new development plans for Patriot Place.

Dan Kranz, Dan Murphy, Ted Fire, and Jim Cobrey of the Kraft Group met with the Board who was joined by Town Counsel Richard Gelerman.

They would like to present Phase II of their Route 1 development. Mr. Fire stated that they have learned since Patriot's Place opened in 2007 that restaurants and entertainment work well at the site and would like to build on that. The hotel has done well and they would like to propose another. The medical center would like to expand in the future too. The retail got off to a slow start but is doing better recently.

They may also propose some multi family housing that would be transit oriented. It would be 200-300 units and they would work with the Planning Board on this. This

would help the town with their housing production numbers but would require modifications to zoning.

The new tenants being proposed would be a Japanese Hibachi steak house, a Mexican restaurant and a bowling/entertainment complex.

Mr. Sullivan noted that they are looking for six more all alcohol licenses and two package store licenses.

Ms. Coppola asked why they wanted more liquor store licenses. They stated it was to attract big box retailers that sell alcohol. Ms. Coppola noted that the town is generally against more readily available alcohol on Route 1 and the special legislation needed to get these licenses is usually for restaurant liquor licenses.

They also discussed other prospects such as a car wash and wind turbines although no studies have been done of either use yet.

They would like to use this presentation to advance discussions with the town and form a negotiating committee.

Ms. Brue asked if the billboards issue has been settled yet. Atty. Gelerman stated that a recent Board of Water and Sewer Commission meeting he attended noted they still have issues to be discussed, including the possible sale of the billboards and reuse tank.

The Board discussed the potential need for Special Town Counsel to work with this committee. The Kraft's would reimburse the town for legal costs.

Mr. DeVellis noted that any requests for additional liquor licenses need to be approved by Town Meeting, the Board of Selectmen do not have the power to grant additional licenses. A negotiating committee can be formed but the citizens of town will want to know where all the mitigation money that was promised for the sewerage treatment plant is. Mr. Cobrey hoped that the negotiating committee would be able to resolve that issue.

The Board discussed forming a committee with one Board member, the Town Manager, Town Counsel and possible Special Town Counsel that would hold meetings on Tuesday before Board meetings from 5-7 p.m. Mr. Sullivan volunteered to be the Board's representative.

An agenda item to update the Board in both public and executive session would be added to the Board's agenda. The committee would also keep the Board of Water and Sewer Commissioners and the Planning Board informed. They would have no authority to enter into agreements with the Krafts.

A motion to form a negotiating committee of Mr. Sullivan, Mr. Paicos, Atty. Gelerman and/or special town counsel to begin negotiations with the Kraft Group was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 5-0-0.**

Action Items:

The minutes of August 21, 2012 were reviewed.

A motion to accept the minutes of August 21, 2012 as amended was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

A notice has been received from the ABCC about a liquor license violation at the Country Store.

A request has been received from Thomas Perruna of Tavolino's restaurant at Patriot Place to permit the serving of alcoholic beverages at 11:00 a.m. on Sunday's during the football season.

A motion to approve alcohol service at 11:00 a.m. only on the days of Patriot's home games that begin at 1:00 p.m. was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

A motion to adjourn the meeting to enter into Executive Session and not return to regular session at 9:45 p.m. was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

Respectfully Submitted,

Diana Gray

Lorraine Brue