

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
MINUTES
December 10, 2013

Members Present: Mark Sullivan, Chairman
Lorraine Brue, Vice Chairman
John Gray, Clerk
Ginny Coppola
James DeVellis

Others Present: Acting Town Manager Bob Cutler
Jess Stevenson of the Kraft Organization
Mike Ashapa of the Stadium Advisory Committee
Town Counsel Dick Gelerman
Alex Stolyar of Penn National
Human Resources Manager Cindy DePina

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

Citizen's Input

Stephanie McGowan asked if there could be an update on the Thanksgiving Day Football Game Veteran's program. Mr. Sullivan stated that it would be under the Chairman's Update

Chairman's Update

Mr. DeVellis stated that the Veteran's program had such a good response that they ran out of turkeys and had to get more. There were some very generous donors that made this possible and they are looking into some more ideas for next year as they hope to grow the program.

It was also noted that the food pantry is looking for donations for Christmas.

Ms. Brue noted that the Town Manager Screening Committee met this week with their consultant, John Spinney is the Chairman. There have been thirty four applications received and sixteen of those have been forwarded to the committee. They are planning on interviewing eight applicants and are working on the questionnaire. Once the committee has their recommended candidates, background checks will be performed by the Collin's Institute.

Mr. Sullivan noted that there is a policy for the Board if any member attends an outside meeting; a report is to be made back to the Board through the Chairman or Town Manager.

Ms. Coppola asked if that is a case for liaison meetings also as she attends Water and Sewer Committee and Advisory Committee meetings.

The Board discussed replacing the Chairman's Update agenda item with Board Member's Updates. This would give Board members the opportunity to share information without violating the Open Meeting Law.

It was noted that some meetings involve proposals that don't need to end up as public record and it may result in people hesitating to come to Board members.

Application for George Strait – Cowboy Rides Away Concert

Mr. Gray read the Hearing notice.

Jess Stevenson of the Kraft Organization was present as well as Mike Ashapa of the Stadium Advisory Committee.

Ms. Stevenson noted that this is a stand alone country concert that is not related to the Countryfest. The concert will be held on May 31, 2014. The gates will open at 5:00 p.m. and the event starts at 6:00 p.m. All seats will be reserved; there will be no general admission. This concert is expected to bring an older demographic as Mr. Strait is a classic country artist.

The Stadium Advisory Committee has recommended approval of this event although it was noted that this is the first country concert to be held early in the season.

Fire Chief Hatfield noted that this will be treated as a Level 5 event.

Ms. Coppola asked if a fine system has been developed for events that go past their curfew. This would need Town Meeting approval but there is language in the application that addresses what happens if the concert goes past the 11:30 p.m. curfew.

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

A motion to approve the application for the George Strait – Cowboy Rides Away Tour on May 31, 2014 at 6:00 p.m. with a 5:00 p.m. gate opening was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Action Items

The Recreation Department has received passes to the Patriot Skate at Patriots Place. This was donated by the Kraft Organization.

A motion to accept the \$625 in kind donation for 5 family passes to Patriot Skate was made by Mr. Gray and seconded by Mr. DeVellis. The motion carried 5-0-0.

The Boyden Library has received donations from the Foxboro Garden Club, Richard Plasmati and Mary Buckland, The Friends of the Boyden Library and Peter and Carolyn Larson.

A motion to accept the donation of \$22.36 from the Foxboro Garden Club for the Boyden Library with thanks was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A motion to accept the donation of \$25.00 from Richard Plasmati and Mary Buckland, \$30.00 from the Friends of the Boyden Library and \$30.00 from Peter and Carolyn Larson with thanks was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Chief O'Leary has received a grant for State E911 Training to support Central Dispatch services. These grants help to offset the operating costs of dispatch and offers service training for dispatch staff. It is a competitive process to receive these grants.

A motion to accept the grant in the amount of \$10,000 from the State E911 Training Grant and EMD Compliance and a grant in the amount of \$43,534.00 from the State E911 Department Support and Incentive Grant was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Mr. Cutler wanted to recognize Chief O'Leary's efforts in obtaining these grants on behalf of the town.

Lakeview Pavilion has requested permission to open for alcohol sales at 11:00 a.m. on Saturdays and Sundays for 2014. This is to allow alcohol service for functions that begin before 12:00 p.m.

The Board would like clarification before voting on this request; most restaurants in town are allowed to serve early on Sundays only during Patriot home games that start at 1:00 p.m.

The Board needs to approve the 2014 license renewals for the Liquor License holders in town, a listing has been prepared.

A motion to approve renewal of the 2014 Liquor License applications providing that all outstanding financial obligations to the town have been fulfilled was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

The Board needs to approve the 2014 Sunday Entertainment Licenses in town in accordance with the list that has been prepared.

A motion to approve the list of 2014 Sunday Entertainment Licenses providing that all outstanding financial obligations to the town have been fulfilled was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A request has been received for the Annual Bailey's Run for Autism to be held at 10:00 a.m. on March 30, 2014 from the Invensys property on Neponset Avenue to Waxy O'Connor's.

A motion to approve the Annual Bailey's Run for Autism on March 30, 2014 and to welcome the organization to Foxboro was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A Hackie License renewal has been received from Wayne R. Demers for a two year license.

A motion to approve the Hackie License renewal for Wayne R. Demers was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

National Grid is requesting permission to install a new pole on Neponset Avenue that will be owned by National Grid.

A motion to approve installation of a new pole between existing pole 959 and 960 on Neponset Avenue was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Application for Change of Manager at the 99 Restaurant

No one is present for this application so it will be held for a future agenda.

Racino Discussion

The Board met with Town Counsel Dick Geleman and Alex Stolyar of Penn National to discuss the proposed Racino in Plainville.

Atty. Geleman met with Mr. Stolyar last week about the Surrounding Community Agreement. Atty. Geleman requested funds be available for the costs of impacts to the town such as DUI, theft and adverse social impacts. Mr. Stolyar has agreed to the concept but not an amount. Atty. Geleman asked for \$250,000 to be held in escrow; Mr. Stolyar is offering \$100,000.

No money will be paid out of the escrow account unless certain things happen. This amount would be held for a year and if there are no findings of harm it will then be terminated at that time.

A Mitigation Fund has been established by the state Gaming Committee but not yet approved by the State Legislature. Once this fund has been established, any claims would go through this fund first, then the escrow account.

If any funds are paid out the account would be replenished back to its original amount.

If an agreement cannot be reached on an amount for this account, a third party would need to be consulted, the state does not have anyone at this time for that purpose.

Penn National has reached agreements with the other surrounding communities.

Mr. Gray asked about any social problems that will take more than a year to come forth. He feels that a year is a short period of time to make a judgment and also thinks that the escrow amount should be higher than \$250,000.

Mr. Stolyar stated that the one year limit is proposed as there will be competitors opening establishments after that time. They are 100% committed to impacts from their facility, but not from other establishments that may open after theirs. The effects will need to be linked to their facility.

Ms. Brue is also concerned with the one year limit. She attended a meeting where it was stated it could take up to ten years to see impacts. She also asked about the criteria for mitigation, she wants to make sure that all items identified by the Racino Committee will be covered such as OUI, theft, water and roads.

Atty. Geleman stated that no documents have been drafted yet. His negotiations have been limited to OUI, theft and social impacts per the Town Manager. The other items will not be covered by the escrow agreement.

Ms. Coppola is concerned with the impacts on water and roads as well as the others that were already mentioned. Atty. Geleman feels any impacts to water and roads will be an actionable item that can be addressed outside of the agreement.

Mr. DeVellis stated that he read the agreements with the other towns; each addressed different concerns such as traffic, conflicts with entertainment licenses, schools, etc. He feels that points from each of these agreements could be taken and applied to Foxboro.

Mr. Stolyar noted that the Plainville agreement is a separate agreement as they will be the Host Community. Their approach is that they will mitigate verifiable impacts through documentation.

Mr. Stolyar would like a copy of the Racino Committee report.

Mr. Sullivan noted that there is also a petition to be presented to the state to rescind the Expanded Gaming Legislation.

Mr. DeVellis thinks this is the time to get things in writing.

Merit Pay Program

The Board met with Human Resources Manager Cindy DePina and Acting Town Manager Bob Cutler with an update on the Merit Pay Program. Ms. DePina stated that she started with the program they had in Easton, it was found to not be successful and was voted out at their Town Meeting. Other communities were asked if they has policies and none were found to have merit programs, they have step programs instead that are attached to performance reviews.

Ms. DePina is recommending that they stick with the step basis while beginning the performance evaluation process. The department Goals and Objectives are what the reviews are based on. If an employee is found to have poor performance or discipline problems, they will not be able to move up a step.

Mr. Gray asked when this would be ready. Ms. DePina thinks it should be ready for the May Town Meeting.

Mr. DeVellis doesn't want a new Town Manager stuck with any decisions made at the May Town Meeting and would like to see this held for input by the new manager.

Gift Policy

Mr. Cutler has been working with Ms. DePina on a policy to report gifts to the Board. There are things besides monetary items that are donated such as gifts from the vendors at the health fair and storm related items during the winter season. A draft form was distributed. This will be discussed on a future agenda.

Splitsville Decision

Mr. Cutler and Mr. Gray along with Town Counsel met with representatives of the Kraft Group recently. They felt it was a productive meeting with an overall discussion on improving communication between the groups.

Mr. Gray explained that they presented an overview of the property showing all the improvements that have been made over the years. The meeting was productive but no proposals were made.

Atty. Gelerman stated that there were possible scenarios discussed but the Board needs to give their input. He feels that since there is pending litigation involved, they would be appropriate for Executive Session.

Mr. DeVellis questioned why Mr. Sullivan did not attend the meeting as was agreed to at a recent Board meeting. It was noted that there was an opinion given by the Attorney General last year that two Board members attending a meeting may be considered a Sub-Committee and violate the Open Meeting Law so Mr. Sullivan decided to step aside.

Atty. Gelerman stated that he thought it was a productive meeting in that there is distrust on both sides and they need to find ways to get over it.

Mr. DeVellis stated that the Board voted to send two members to this discussion and questioned when it was changed as there was no mention of it at last week's meeting.

Atty. Gelerman stated that Ms. Brue brought the concern about the Attorney General's decision to his attention; he in turn discussed it with Mr. Cutler and then Mr. Sullivan decided not to attend the meeting.

Mr. Cutler stated that this item came up after the last agenda was finalized which is why it wasn't mentioned last week.

Ms. Brue stated that she checked her notes after the meeting when the vote was taken and brought her concerns to the Town Manager. Mr. DeVellis thinks it should have been brought before the whole Board.

Deb Stewart of 44 Neponset Heights Avenue stated that she was confused as to why Mr. Sullivan could not attend this meeting as Ms. Brue and Ms. Coppola recently attended a meeting together with the Krafts.

Stephanie McGowan asked why members of Splitsville were not at the meeting.

A motion to enter into Executive Session at 9:15 p.m. and to return to regular session at the conclusion of the Executive Session by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

The Board returned to regular session at 10:47 p.m.

The Board will put the Splitsville Discussion on the January 7, 2014 agenda during Open Session. The parties will continue to have talks between now and then.

A motion to adjourn the meeting at 10:48 p.m. was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Respectfully Submitted,

Diana Gray