

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
MINUTES
November 26, 2013

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

Others Present: Acting Town Manager Bob Cutler
Special Town Counsel David DeLuca
Town Counsel Richard Gelerman
Police Chief Ed O'Leary
Sandra Herrmann
Rich Pearson the Associate Director of the MIAA
Finance Director Randy Scollins

The meeting was brought to order at 6:15 p.m. by Mark Sullivan, Chairman. Chairman Sullivan reviewed the agenda.

A motion to enter into Executive Session at 6:16 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 7:23 p.m. and the meeting continued.

Discussion of Petition to Reconsider Vote on Stadium Alcohol License Matters

Steve Harding of North High Street and Paul Farmer of Cocasset Street came before the Board as representatives of a group of townspeople who are requesting the Board to reconsider their denial of the Splitsville licenses.

Mr. Harding wanted to know if the real issue is mitigation at Patriot's Place. He reviewed the history of Patriot's Place from the rezoning in 1999. He has heard that Public Safety issues are not as bad as they were originally thought to be and that a preliminary plan was worked out with Chief O'Leary for the additional patrons for Splitsville. He feels that the Board members were holding out for additional mitigation from the Kraft Organization.

In Mr. Harding's opinion having all the liquor venues in one place should make it easier for the town. He asks the Board members to visit Howl at the Moon in person to check out their operation. He also asked if perhaps it's time for a Patriot's Place Advisory Committee similar to the Stadium Advisory Committee.

Joanne Hensas of 6 Pettee Place stated that they have collected over 800 signatures asking for the Board to reconsider the vote. She understands the responsibility of the Local Licensing Authority but feels that the Board has been too rigid on places like Trader Joe's and the Saga Steakhouse due to their locations. Jake n Joe's and Asian Ginger did not have such problems getting their licenses. Splitsville received support from the Chief of Police, as well as the local

state representatives and the public. She asked the Board to show faith and reconsider to grant the requested licenses.

Ellen Garber of Tara Ann Drive stated that the petition shows community support based on what was learned at the hearings before the Board.

Lynda Walsh of Pond Avenue understands the Board has hard decisions to make but the Chief was sent to Splitsville in Florida to see their operations and had no issues. She thinks this would be a great fit at Patriot's Place as a destination and family venue. The economic growth of Patriot's Place is based on alcohol and restaurant sales. She visited the Howl at the Moon and was impressed with their management and saw all ages at the venue. She does not want the town to look like they are anti-business or anti-growth.

Mike Stewart of Neponset Heights Ave. thinks reconsideration makes sense and doesn't understand what threat a bowling alley poses to the town. He thinks it looks like a well run business.

Nancy Campanine of 1 Messenger Ave. stated that she supports the Board's decision to deny the application. She doesn't think a Howl at the Moon can co-exist with a bowling alley and did not like the fact that no one under 21 would be allowed there after 8:00 p.m. She referred to a recent article in the Globe which stated that towns should concentrate on revitalizing their town centers with restaurants with liquor licenses. She also has concerns with drunken drivers.

Stephanie McGowan of Rhodes Lane likes the Splitsville concept and asked why they would propose adding a Howl at the Moon if they thought it would bring them down. She thinks this is the wave of the future for bowling facilities; a successful establishment needs alcohol and food to be profitable. If the two concepts are merged, Splitsville stated that their food/alcohol split is 70/30 and Howl at the Moon stated their split is 25/75, average them both together and it's 60/40, which would be similar to Jake n Joe's. She feels it's not the Board's decision to decide how people choose their recreation time and feels it would be a perfect fit for Patriot's Place.

Joan Stafford of Bassett Street supports the bowling concept for entertainment for families. She does not support Howl at the Moon.

Bob Gravoski of 232 East Street was glad for the Board's vote and values the difference of opinions. He feels the Board based their vote on careful consideration and agrees that Howl at the Moon is not appropriate for the town. He feels the Board deserves respect and gratitude for trying to guide the town. This establishment would bring more crime to the town and the town needs to consider what direction the community is going.

Amy LaBrush of Chestnut Street stated that she is a mother who does a lot of work on non-profit causes which depend on local businesses for support. Splitsville has stated that they would support the community and Howl at the Moon has a listing of all the organizations they have supported. She agrees that this would be a good fit for Patriot's Place.

Jim Cobrey of the Kraft Organization wanted to clear up the conception that Splitsville would be only over 21 after 8:00 p.m.; there is no policy stating that this would happen. He also wanted to stress that there are not two applicant's but one integrated concept being proposed. Bowling by itself would not support the concept, it needs the combination of bowling, dining and dancing.

Mr. DeVellis would like the Board to take a few weeks before making any decisions tonight. Mr. Sullivan and Mr. Gray have offered to meet with the Kraft's to discuss the issues. He did visit the Howl at the Moon in Boston recently. He would like both sides to work together on this issue.

Mr. Gray referred to an Executive Session in September 2012 when liquor licenses were discussed and noted that the Board at that time stated they would support restaurants but were concerned with nightclubs. He does think taking a couple of weeks is a worthwhile suggestion.

Mr. Sullivan stated that many things against the Board have been written on a few blogs in town. He finds the verbal assaults disheartening and would like to keep the debate fair. He went to Howl at the Moon and found their drink menu unacceptable but did have a good time.

A motion that Mr. Sullivan and Mr. Gray meet with the Splitsville representatives for a better understanding of any concessions and report back to the Board on December 10, 2013 with a recommendation for discussion to reconsider the vote or not was made by Mr. DeVellis and seconded by Mr. Gray. The motion carried 5-0-0.

Feasibility Study – Regional Emergency Communications Center

The Board met with Chief O'Leary in regards to the feasibility study for a regional emergency communications center (RECC) that was first discussed in 2009.

Recently the King Phillip towns of Norfolk, Wrentham, Plainville and Franklin made their own regional center.

A grant for a study to get a regional center for the towns of Foxboro, Medfield, Norwood and Walpole in the amount of \$88,000 was received and a vendor was hired to perform the study. It was found that a regional center would enhance communications between the towns but would not necessarily have a cost savings. It was found that the calls to the Foxboro dispatch center are closer to the volume of Norwood which is a much larger town.

The study addressed training and human resources. Legislation would also be needed to establish a regional center and that has not happened yet.

The study recommended adding a fifth community but no other town was interested in joining at this time. The consultant recommends that the study be tabled to see if legislation comes forward and to identify an additional community. Some of the other communities in the study are also not prepared to move forward with the regional concept at this time.

Mr. Gray wanted to know what the legislation would do. Chief O'Leary explained that it would create criteria for a Board of Directors to represent the communities. The operating costs of the center would be based on population of each community.

Ms. Coppola is concerned that funding from the state and the federal governments is not forthcoming at this time and agrees that it should be tabled until more concrete funding is found.

Mr. DeVellis thinks regionalization is good to share resources but is a hard concept to make happen. He wanted to know if there is any benefit to the town in regionalization.

Chief O'Leary stated that the Public Safety facility for Foxboro was designed to have both police and fire in one location without a thought of regionalization with other towns. The current staff can handle the call volume the town has. He supports the recommendation to table the concept at this time.

No Overnight Parking Signs – Municipal Lots

The Board met with Chief O'Leary and Sandra Herrmann in regards to No Overnight Parking signs on municipal lots. Mr. Culter explained that the Loss Control Committee has been working on this issue for insurance savings. Ms. Herrmann explained that the Loss Control Committee has been working hard to save the town premiums on insurance through investigation of incidences in the town and ways to find solutions so that they do not happen again. The town received credits against the insurance charges and last year saved \$70,000.

Last year there was an incident where a town plow hit a vehicle that was parked overnight in the town hall parking lot. The car was damaged and the town lost insurance credits. So the insurance company is suggesting having No Overnight Parking signs in place. The School Department will also be voting on this issue. The other locations would be the library and the Council on Aging building.

Chief O'Leary stated that the town overnight parking ban begins on December 1st from 1:00 a.m. – 6:00 a.m., violators are subject to being ticketed so some residents begin parking in lots instead of on the streets. The lots cannot be properly plowed with cars left overnight.

Mr. Gray stated that people have been doing this for years but it would be common sense to have your vehicle on your own property.

Ms. Herrmann noted that the resident's being on their own property would be beneficial to their insurance coverage.

A motion to accept the recommendation for No Overnight Parking signs in municipal lots as suggested by the Loss Control Committee was made by Mr. Gray and seconded by Mr. DeVellis. The motion carried 5-0-0.

The signs for North Street will be on a future agenda.

MIAA Game Fees

The Board met with Rich Pearson the Associate Director of the MIAA in regards to the ticket fees for the upcoming Superbowl games at the stadium. Mr. Pearson stated that the MIAA represents 220,000 athletes in the state playing thirty-three sports. The larger sports of football, hockey and basketball help to subsidize the smaller sports. He is coming before the Board tonight asking for a waiver of the service charge on the tickets sold for the high school Superbowl games or he proposes that the fees be reduced from \$2.55 to \$1.47 similar to the Revolution ticket charge.

Mr. Gray asked the price of the tickets. Mr. Pearson stated that they will be \$15 for adults and \$12 for students. The Kraft organization has donated the use of the stadium, the only money they make is from concession sales. There will be no alcohol sales. Attendance is usually 13,000 - 15,000. The Town would make approximately \$35,000 - \$60,000 on ticket sales to the MIAA of \$185,000 - \$264,000.

For any tickets sold for stadium events the town receives a fee of \$2.55 which is in their lease agreement. They pay this fee in lieu of taxes to the town (PILOT).

It was suggested that the town could donate the fee to the MIAA. Mr. Gray believes that this would be against the state constitution which forbids towns from donating to non-profits.

Mr. Pearson stated that twelve sports run by the MIAA run in a deficit, the bigger sports help to fund those sports. He also noted that the Superbowl fans would use other amenities in town to help generate additional tax dollars.

Mr. Scollins stated that events such as NFL football and Revolution soccer pay a \$1.47 per ticket charge, all other events pay the \$2.55 charge. This fee has been in effect since Sullivan stadium.

Ms. Brue stated that she values what the MIAA brings to the community but feels she is not authorized to waive the fees which benefit the taxpayers of Foxboro. This is a discussion that needs to be held between the Kraft organization and the MIAA.

Ms. Coppola agrees that the MIAA is a great organization but the PILOT money belongs to the town. She read that the MIAA keeps 100% of the ticket prices no matter what so it would be overstepping their bounds to grant a waiver.

Mr. DeVellis stated that MIAA has renewed the contract to keep the Superbowl games at the stadium and he appreciates the benefit to the town and businesses in town. In 2011, Town Counsel was asked if the town had a right to waive the fee and the response was yes and no, it is a charity but does support private schools and they were referred back to the lease which grants the Board the ability to grant a waiver to non-profits. He feels the reduced charge from \$2.55 to \$1.47 is a good concession.

Mr. Sullivan feels it is about the kids who are playing and is agreeable to a waiver or concession.

Resident Jeannie Dyer of 14 Hillcrest #3 who is a renter in town and does not pay property tax feels that it is her choice to give to charities and this is a lot of money to give away. There are a number of charities that do wonderful things. She noted that she is a high school teacher.

Dennis Naughton, retired principal Millis High School, noted that the town has given away approximately \$250,000 over the years by waiving this fee which could have been used to offset the tax rate. The MIAA gets their share of tournament money and Foxboro doesn't need to go above and beyond.

Mr. DeVellis stated that they are not giving away tax money, the ticket prices do come back to the town and it is part of the lease agreement that charity waivers could be granted.

Mr. Sullivan stated that the town receives meals tax money and hotel tax money because of the stadium, everyone is gaining from Patriots Place.

Mr. Pearson stated that the MIAA felt that the half off waiver proposal was the right thing to do. Ms. Coppola stated that businesses pay real estate taxes, the stadium should include the PILOT as part of their donation.

A motion to support the MIAA request for a reduction in the PILOT amount in accordance with the lease agreement of January 1, 2000 to reduce the charge from \$2.55 to \$1.47 was made by Mr. DeVellis and seconded by Mr. Sullivan. The motion failed 2-3 with Ms. Coppola, Ms. Brue and Mr. Gray voting against it.

A motion to grant a waiver of the ticket price charge for the MIAA Superbowls as requested by the MIAA taking into consideration other taxes like meals tax as well as restaurant sales, purchase of gas, etc. was made by Mr. Gray and seconded by Ms. Brue. The motion failed 2-3 with Ms. Coppola, Ms. Brue and Mr. Gray voting against it.

Abuse Reporting Policy Update

Mr. DeVellis is proposing the creation of a Foxboro Child Safety Committee as a result of the allegations of abuse that were made against William Sheehan who worked in the school system as well as the Boy Scouts and the recreation department. There was work on a Sexual Abuse Reporting Policy through the town but it fell short. This committee would work to raise awareness by providing a Code of Conduct, training for individuals and organizations and a protocol for reporting incidents. The committee would consist of seven members who would represent the public schools, the recreation department, public safety, religious institutions, town staff, private educational or social institutions and town residents. Mr. DeVellis would like the committee to run for a year and they be appointed permanently in the Bylaws.

Mr. DeVellis recently went to an abuse seminar and Foxboro was the best represented town there.

Mr. Gray feels it is good that the town is taking the initiative. Ms. Brue doesn't think they should wait a year to institute a policy in the Recreation Department.

Mr. Cutler stated that he called the Attorney Generals office to see if a policy could be included in the General Bylaws. Mr. DeVellis doesn't want a policy in the Bylaws, but the establishment of the Committee in the Bylaws.

A motion that the Board of Selectmen adopt the Foxboro Child Safety Committee protocol as presented in the handout with seven people to be appointed was made by Mr. Gray and seconded by Mr. DeVellis. The motion carried 5-0-0.

Racino Discussion

The Board discussed supporting a ballot question for the next election which would rescind the legislation for casinos in the state. Mr. Cutler will work with Ms. Coppola on a letter to be sent to the state.

North Attleboro, Wrentham and Mansfield have all reached Host Community Agreements with Penn National for the proposed racino in Plainville but Foxboro still does not have one. Atty. Gelerman has been trying to negotiate with them on the implications of the social impact and would like some direction from the Board on which direction to go. The other towns agreed to wait for a year for an assessment. The town doesn't seem to have a lot of concerns with traffic or water issues.

The Racino Review Committee Summary of Impact and Mitigation Analyses will be sent to Atty. Gelferman and the Board would like him to continue negotiations with Penn National.

Action Items

A request has been received from First and Goal for two 1-day All Alcoholic Liquor Licenses for the 2014 Patriots Playoff games. The games could fall on January 4th, 5th, 11th, 12th and 19th, but the schedule has not been determined yet.

A motion to approve two 1-Day All Alcoholic Liquor Licenses to First and Goal with the dates to be added once known was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

The Foxboro Jaycees would like permission to hang banners around the Common for the holidays.

A motion to allow permission to the Foxboro Jaycees to hang banners around the Common with thanks for their service was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

The Conservation Commission has received a donation in the amount of \$1,200 from Allan Curtis.

A motion to accept the donation from Allen Curtis in the amount of \$1,200 for the Conservation Commission with thanks was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

The Library has received a donations from Deborah Zacheus of Abilene Texas in the amount of \$50 and Nancy and Bruce Nordstrom of Foxboro in the amount of \$50.

A motion to accept the donations from Deborah Zacheus for \$50 and Nancy and Bruce Nordstrom for \$50 for the Library Gift Fund was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Showcase Live has requested permission to stay open for an extra hour on January 1, 2014 to 2:00 a.m.

A motion to allow the request to stay open until 2:00 a.m. on January 1, 2014 with no extension to alcohol service was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A resignation from the Stadium Advisory Committee has been received from Candace Lachapelle.

A motion to accept the resignation of Candace Lachapelle from the Stadium Advisory Committee with thanks for her service was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A motion to adjourn the meeting to enter into Executive Session at 9:50 p.m. and to return to regular session solely to adjourn was made by Ms. Brue and seconded by Mr. Gray. The motion carried 5-0-0.

The Board returned to regular session at 10:00 p.m. and the meeting was adjourned.

Respectfully Submitted,

Diana Gray

John R. Gray, Clerk