

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
MINUTES
October 1, 2013

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

Others Present: Acting Town Manager Bob Cutler
Robert Motta
Gordon Carr and John Ziemba from the Mass State Gaming Commission
Mike Davison, Bob O'Rourke and Jack Martin of the Racino Committee
Larry Thomas of the Advisory Committee

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

Citizen's Input

Bill Dudley submitted a letter to the Board in regards to the Survivors of Bill Sheehan. Present with Mr. Dudley was Tony Calcia of the Hockomock YMCA. Mr. Dudley had a few thoughts he wanted to share with the Board. He wanted to know if a working group had ever been formed to create a Child Protection Policy. Mr. Dudley would also like to see all the different groups that are working towards a common goal to coordinate together. He also had statistics of molestation that 1 in 4 girls and 1 in 5 boys on average are molested by the time they are 18, this is why he and his group would like to see training for not only schools but also churches, town employees, pre-schools, sport leagues, scouts, Lions Club, Rotary, Jaycees, etc. He also suggests training during Kindergarten orientation to make parents aware of the signs. The survivors want to be sure that there is accountability in the future so another Sheehan incident never happens again. The Board will put this matter on a future agenda.

Mr. Calcia stated that he is working with Mr. Dudley and has conducted training at his church through a YMCA initiative called Stewards of Children. Over the past eighteen months, they have worked with a lot of groups in town. In August, 342 school personnel took the training. He would like to offer this as a resource for the Board and noted that the program has just been updated from the 2004 version. He left some materials for the Board members.

Chairman's Update

Mr. Sullivan noted that Bill Casbarra and Bill Yukna have been interviewed for a cable access program on the Town Hall. This will be broadcast to inform residents before Town Meeting on November 4th. The warrant article is for bid specs only and not a vote for a replacement Town Hall.

Town Common Bandstand Dedication

Robert Motta met with the Board in regards to the Town Common Bandstand. He and a group of former Jaycees and Jaycee Wives would like to dedicate the Town Common Bandstand to the family of Hoel and Mary Bowditch. They were lifelong residents of town who were involved with community music since the 1940's. Their son, Harry Bowditch, designed the bandstand and helped build it in 1972. At that time, it was given to the community. Harry Bowditch just recently passed away. Mr. Motta has spoken with Harry's wife and brother about this and they are pleased with the proposal. Mr. Motta has also spoken with current Jaycees and Wives as well as Jack Authelet and they are all in support of the proposal. They would have a formal dedication next spring.

Mr. Gray feels this is a fitting proposal. Ms. Brue thinks it is a great way to recognize the family. Ms. Coppola notes that the Jaycees have always been supportive to the town. Mr. DeVellis stated that he spoke with Mr. Authelet, who was unable to attend this evening; he stated that this is an example of a family that did so much for the town and asked for so little in return. Mr. Sullivan noted that the Foxboro music program is an outstanding program.

A motion to accept Robert Motta and the other former Foxboro Jaycees and Jaycee Wives proposal to allow the dedication of the Common Bandstand to Hoel and Mary Bowditch and their son Harry Bowditch was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Racino – Plainridge

The Board met with Gordon Carr and John Ziemba the Ombudsman for the Mass State Gaming Commission. Mr. DeVellis invited them to the meeting to answer any questions of the Board about the new applicant for the Plainridge Racino. Correspondence has also been received from Plainville residents concerned with the application also.

Mr. DeVellis noted that when Penn National took over the application for Plainridge, there was not enough time for the Board to submit comments due to the Open Meeting Law requirements.

Mr. Ziemba explained that he is the principal point of contact on the Gaming Commission's process and also for the applicants on their process. Mr. Ziemba distributed a presentation that explained the application process. He stated that this presentation is also available on the Gaming Commission's website, www.massgaming.com.

He noted that any applicant's for licenses have until October 4, 2013 to submit their completed 236 page applications and the Commission expects to select who will get the licenses between December 2013 and February 2014. Between October and when the Commission decides on the licenses, there will be a Public Hearing in the host community with invites to the surrounding towns. The dates have not been established yet; the Commission is meeting on Thursday October 3, 2013 to discuss possible dates.

The applicants will be making presentations on their applications to the Commission on October 7, 2013; all of these meetings will be available on the website.

Mr. Ziemba discussed determination of a Surrounding Community. If the applicant does not designate a surrounding community in their application, the affected community has ten days after the application deadline to petition the Commission for a determination, if a community is

designated, they have thirty days from the date of the determination to negotiate an agreement with the host community. Mr. Ziemba stated that the ten day deadline may be extended, as this topic will also be discussed during Thursday's meeting.

Mr. Cutler stated that he did have a discussion with Penn National and they are not declaring any community as a Surrounding Community for at least a year; so the town will have to submit a petition. Mr. Ziemba stated that the requirements for this are described under 205CMR 125-01-2. He stressed that an agreement is not needed by October 4, 2013; it can be up to thirty days after the designation as a Surrounding Community.

Mr. DeVellis commented on the speed in which Penn National was allowed to take over the application, there was no time for any comments to be sent in to the Commission.

Mr. Ziemba stated that the original applicant was found to be unsuitable after much investigation by the Investigation and Enforcement Bureau of the Commission which took many months. All of the Commission's discussions were open meetings and are available on their website. Written reports on the applicant's are also available on the website.

Shortly after the original applicant was found unsuitable a request for a Host Community Agreement came from Penn National. The Commission determined that they were suitable as the rules allow for another applicant to come forward. Penn National had been investigated by the Investigation and Enforcement Bureau already as they were originally an applicant for a license in Tewksbury. The Commission allowed them to be designated as there was a referendum vote coming up in Plainville.

The Board asked about the upcoming Public Hearing, who is allowed to go. Mr. Ziemba stated that the town will determine who their representative will be; the Commission will also take general questions by any attendee. The Town will be notified of the date of the Public Hearing in advance.

Ms. Coppola referenced the letter from Plainville residents; this letter stated that the Host Community Agreement needed to be signed sixty days in advance of the referendum vote, Penn National applied less than two weeks before the vote, changing the applicant from local people to a national company. This quick change also meant that the Board was not able to submit any comments on behalf of the town as there was no time to meet.

Mr. Ziemba stated that all the discussions about the changing of the applicants were the subject of two days of hearings, all of which are available on the Commission's website.

Mr. Sullivan also noted that their hearings were probably held during the day which would make it very difficult for anyone to change their plans with a few days notice to attend.

Mr. Gray noted that this change will have a great affect on the region and thinks that the result will be a loss of confidence in the process.

Mr. Ziemba noted that any written comments received were read into the record during the hearing process.

Ms. Coppola asked what determines a Surrounding Community. Mr. Ziemba stated that it is addressed under 205CMR 125-01 Sec 2b. Mr. Ziemba stated the he or the Commission cannot answer any questions on Surrounding Community designation until a petition has been received

by the Commission by a community. The Commission is hoping that the Host Community will make the determination on who is a Surrounding Community.

Mr. Sullivan asked if this petition should be prepared by Counsel. If so, is there any funding available from the state for this?

Mr. Ziemba stated that there is Community Disbursement Program that will be available in which the applicant agrees to provide funds to communities to evaluate impacts. If the Host Community refuses, they would need to petition for an Involuntary Disbursement to the Gaming Commission, this is addressed under 205CMR 114-03 2b.

The Board noted that there is a Racino Committee made up of volunteers who are charged with looking at all the reports in regards to the social impacts, traffic, etc. This Committee was almost disbanded when the first applicant was deemed unsuitable, but now they are back at it.

Mr. Ziemba noted that they are also developing a program using state and regional planning agencies. They could ask the applicant for technical assistance and if a community would like to use a private firm and the applicant refuses to pay, they could apply for an Involuntary Disbursement through the Commission. The Commission would determine if factors exist that warrant the need for technical assistance.

Mr. Ziemba noted that the town can also request a copy of the application after the October 4th deadline.

Ms. Brue wanted to know about potential mitigation and how the alcohol service would be regulated. Mr. Ziemba noted that would part of the Phase 3 process, which is still being worked on.

Mike Davison of the Racino Committee stated that there has been much turbulence from Plainville lately, with the change of applicants and the speed in which it happened. He has been told that alcohol will be served until 2 a.m. and start up again at 8 a.m. but there will be no alcohol served on the floor.

He also noted that they have two more applicants for the Committee to be reviewed.

He thinks that there will definitely be social impacts to divorce rates, child abuse rates, and DUI arrests. They have also been looking at a potential impact to the town's Witch Pond Wells due to the increased demand for water.

An RFP for a consultant was developed by the Committee but was put on hold over the summer.

Ms. Coppola wanted to know if they looked at the application process at all.

Bob O'Rourke of the Committee stated that they did their due diligence and then the applicant was disqualified. Ms. Coppola stated she would have liked to see that in a report from the Committee.

Mr. Cutler stated that he will get the proper petitions filed with the state and wanted to know if he could still have discussions with Penn National while the town is awaiting the Commission's

determination. He is looking for direction from the Board as the deadline for an agreement is only thirty days after a designation as a Surrounding Community.

Ms. Brue feels that the Racino Committee needs to present both sides of their arguments on the potential impacts so a priority list can be developed since Penn National seems to be taking a wait and see attitude.

Jack Martin of the Racino Committee stated that any operation cannot begin until the Surrounding Community Agreements are in place; this gives the town leverage now, not in a year.

The Board is agreeable to Mr. Cutler continuing discussions with Penn National while waiting to hear from the Gaming Commission.

Town Manager Search Committee

Ms. Brue noted that the Advisory Committee approved the transfer request of \$14,000 to fund the Town Manager search. Mr. Kobayashi of the Collins Institute is working with the office on scheduling interviews of town and Board officials.

Ms. Brue has also received feedback from the other Board members on the potential list of Screening Committee members and ones to be interviewed by Mr. Kobayashi. They include the Selectmen, the Moderator, Chairmen of both elected and appointed Boards, Bob Cutler, Randy Scollins, Sharon Wason, Sandra Herrmann, Fire Chief Hatfield, Police Chief O'Leary, DPW Director Roger Hill, Human Resources Cindy DePina, Jack Authelet, Marie Crimmons, Dave Brown, Bill Grieder, Steve Bagley and Tony LaChappelle. These people will be interviewed to determine what they are looking for in a Town Manager. When the interviews are complete, more input could be asked for or Mr. Kobayashi could then make a determination.

Mr. DeVellis asked if any members of the town Clergy should be interviewed.

Mr. Sullivan would like to ask Bill Dudley, Bill Buckley Sr. and Larry Thomas.

In regards to the Screening Committee the Board discussed if a member of the Board should be included on the Committee. Mr. Gray noted that other towns have included a BOS member. It was noted that the Board will be voting on the finalist and this may interfere with the process.

Ms. Brue asked that all recommendations be sent to her by Friday.

Stadium Liquor License Discussion

The License transfer request was just filed yesterday and is still being reviewed; it will be on the October 29th agenda.

Ms. Brue thinks that Special Town Counsel should review the situation and what is being asked for as she thinks this may need a significant review. The firm of Murphy, Hesse, Toomey & Lehane helped develop Liquor License Legislation for Reading and Dedham's Legacy Place which both deal with issues of entertainment, shopping and restaurant developments.

In regards to funding, the stadium lease will need to be checked to see if they would be responsible for paying for this.

A motion to retain the firm of Murphy, Hesse, Toomey & Lehane to provide Special Town Counsel to review the new Liquor License Transfer Application from Gillette Stadium was made by Ms. Brue and seconded by Mr. Gray. The motion carried 5-0-0.

Special Town Meeting Warrant

The Board needs to review and vote on the Warrant Articles. The Board of Water and Sewer Commissioners would also like their article for a DPW building before the Town Hall building.

Larry Thomas of the Advisory Committee thinks that Town Meeting will want to know the total cost of Town Hall if the DPW needs to be added back into the building, it will add an additional \$850,000 to \$1 million to the cost if the BWSC article fails and they need to be added back into the Town Hall.

Mr. Cutler noted that this will not change the amount of the Town Hall article; it will still be for \$550,000 for design plans and bids.

A motion to accept Article 1 as written into the Town Meeting Warrant for November 4, 2013 was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A motion to accept Article 2 as written into the Town Meeting Warrant for November 4, 2013 was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

The DPW building article will now be Article 3.

A motion to accept Article 3 as amended into the Town Meeting Warrant for November 4, 2013 was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

The Town Hall article will now be Article 4.

A motion to accept Article 4 as amended into the Town Meeting Warrant for November 4, 2013 was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A motion to accept Article 5 as written into the Town Meeting Warrant for November 4, 2013 was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A motion to accept Article 6 as written into the Town Meeting Warrant for November 4, 2013 was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A motion to accept Article 7 as written into the Town Meeting Warrant for November 4, 2013 was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Action Items

The minutes of September 10, 2013 were reviewed.

A motion to accept the minutes of September 10, 2013 was made by Mr. DeVellis and seconded by Ms. Brue. The motion carried 5-0-0.

Requests have been received from Jake n Joes, Skipjack's and Green Valley Steakhouse to begin serving alcohol at 11:00 a.m. on Sundays during Patriot home games. The Board will allow this during games that begin at 1:00 p.m. only.

A motion to grant the request of Jake n Joe's, Skipjack's and Green Valley Steakhouse to begin serving alcohol at 11:00 a.m. on Sundays during Patriot home games that begin at 1:00 p.m. was made by Mr. Gray and seconded by Mr. DeVellis. The motion carried 5-0-0.

A request has been received from Jim Morris of the Wampanoag Road Runners for their Annual Road Race on February 16, 2014 with a snow date of February 23, 2014.

A motion to grant the request of the Wampanoag Road Runners to hold their annual Road Race on February 16, 2014 with a snow date of February 23, 2014 was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A request has been received from Recreation Director Deb Giardino for a Halloween Parade on October 26, 2013 at 2:00 p.m. starting at the Town Hall.

A motion to grant the request from the Recreation Director for a Halloween Parade on October 26, 2013 at 2:00 p.m. was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A request has been received from the Board of Recreation to appoint Jeff Downs as an Alternate to the Board.

A motion to appoint Jeff Downs as an Alternate to the Board of Recreation was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A request has been received for three One Day Beer and Wine Licenses from Paul Waitz of Webeatcancer.org for a charity Motorcycle Run on October 4th, October 5th and October 6th.

A motion to grant three One Day Beer and Wine Licenses for Webeatcancer.org for a charity Motorcycle Run on October 4-6, 2013 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 9:10 p.m. and to return to regular session solely to adjourn was made by Ms. Brue and seconded by Mr. Sullivan. The motion carried 5-0-0.

The Board returned to regular session at 9:25 p.m. and the meeting was adjourned.

Respectfully Submitted,

Diana Gray

John R. Gray, Clerk