

*TOWN OF FOXBOROUGH*  
SELECTMEN'S MEETING  
MINUTES  
October 29, 2013

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

Others Present: Sandra Herrmann

The meeting was brought to order at 7:00 p.m. by Mark Sullivan, Chairman. Chairman Sullivan reviewed the agenda. Mr. Sullivan would also like to publicly thank the Kraft Organization for their recent donation to the Sam Burns Foundation for Progeria Research. Sam and his family was the subject of a recent documentary on HBO.

**Citizen's Input**

DPW Director Roger Hill stated that he has a few items to share with the Board. The price bids were opened this morning for the proposed DPW building and unfortunately they were all above the budget price so the Board of Water and Sewer Commissioners will be recommending No Action on the Warrant Article at Town Meeting. The project will have to be scaled back to reduce the price. Mr. Hill also wanted to address the large rock that has been placed on the island at Payson Road. The sign on the island keeps getting knocked down so the rock has been placed there until a more permanent solution can be found. The third item is that asphalt paving will begin next week, the Chapter 90 funds came in late this year and the last item is that the water treatment plant has been completed at Oak Street, the DEP will be coming on Thursday and if it is certified it will be online on Friday.

Mary Smith of 136 Cocasset Street wanted to speak in support of the Splitsville Bowling proposal. She would like to see a facility in town instead of having to travel to Milford, Norwood, Franklin or North Attleboro. She thinks it would be a good for quality family time.

Ann Oakes of 10 Austin Lane who identified herself as a bowler and grandmother also is in support of Splitsville, she noted it will bring additional revenue to town.

Ron Young of the LaFayette House stated that Splitsville will bring more families to the area which will bring more patrons to the Route 1 businesses.

Paul Flaherty of Davio's at Patriot Place stated that he feels it will complete the lifestyle center of Patriot's Place, it will be a different kind of venue with kids using it during the day and adults at night. He feels it will be a perfect fit.

Rob Christensen of CBS Scene noted that it would be good to bring more traffic to his end of Patriot's Place.

Rob Luce of 24 Hayden Drive who is a new resident of town with two kids also supports Splitsville, he has been to their facility in Florida and feels it will be a clean and well kept. He was impressed with their Florida operation. In regards to the newspaper article which compared it to the Howl at the Moon in Boston he feels there is no comparison, that is a big city operation and this would be more family oriented.

### **Planning Board Resignation and Appointment**

The Board met with members of the Planning Board, Bill Grieder, Gordon Greene, Ron Blasé, Kevin Weinfeld and John Rhoads. One of their permanent members, Shannon McLaughlin, is resigning from the Board as she is moving out of town for educational opportunities for her children. The Planning Board would like to appoint Associate Member John Rhoads as a Permanent Member. It was noted that Mr. Rhoads has an engineering background.

Mr. DeVellis wanted to thank Ms. McLaughlin for her time on the Board and noted that he is familiar with Mr. Rhoads and his Civil Engineering background and that he would be a good asset similar to a consultant on the Planning Board.

Ms. Coppola noted that Mr. Rhoads has been in attendance at all the Planning Board meetings she has been present at and feels he will be a good choice.

Ms. Brue stated that Ms. McLaughlin will be missed but Mr. Rhoads is a good contribution to the Planning Board.

Mr. Gray read Ms. McLaughlin's resignation letter into the record.

A motion to accept the resignation of Shannon McLaughlin with gratitude for her time served was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A motion to accept the recommendation of the Planning Board to appoint John Rhoads from Alternate Member to Full Member of the Planning Board until the next election was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Mr. Sullivan noted that he has worked with Mr. Rhoads and feels he will be a good fit. He also noted that Ms. McLaughlin was a good asset to the Board.

Mr. Grieder also noted that a new appointment is needed for the Design Review Committee as one member has moved out of town. This will be placed on a future agenda. The Design Review Committee looks at proposals for the downtown area to be sure that it fits in with the neighborhood. Projects such as the CVS and the Library renovation went before this committee. Anyone who is interested in serving on the Committee can fill out an appointment form. The Planning Board is also looking for a new Alternate and will be accepting applications.

### **Public Hearing – Transfer of All Alcohol Restaurant License, Change of Location, Pledge of License and Stock from Foxboro Realty Associates LLC to SV Patriots Place**

Mr. Gray read the Public Hearing notice.

Brian Early the General Manager of Patriots Place discussed the concept of bowling lanes at Patriots Place. He stated that they have been working on this concept for three years and notes that there is great demand for a bowling facility. They looked at various models and found this

concept to be the best in its class. Splitsville currently has locations in Texas, Virginia and Florida, including Downtown Disney. The vetting Disney did to bring their establishment to Downtown Disney proved to the Patriots Place team that they wanted to have this kind of establishment at Patriots Place. This will be a place to bring families.

Paul Holian, Guy Revelle, Mark Gibson and Atty. Joe Hanley are the applicants for Splitsville. Atty. Hanley noted that a letter of support was submitted by Representatives Barrows and Senator Timilty. He explained that this concept is distinct and different as a bowling/entertainment center. They will be located in present vacant space at Patriots Place.

Paul Holian, who will be the Manager and is a local partner, stated that he will take his responsibilities very seriously. He has been working with Jim Staples who is an ABCC investigator.

Mark Gibson from the Florida location stated that the first Splitsville was opened in 2002 as a bowling, restaurant, food, beverage, entertainment concept. They have five locations now. This will be a social, interactive, multi-generational activity. The building will be 20,000 sq. ft. and they will be investing \$4.5 million into the development.

Mr. Gibson explained the floor plan, the bowling lanes will be divided in between entertainment and restaurant areas. They emphasize food, bowling and beverages.

Business Partner Guy Revelle wanted to explain the commitment they would be making to Patriots Place. Disney picked their operation because of the great operators who are passionate and involved in the communities they are located in. Mr. Holian is a local guy from Massachusetts. The bowling concept is well rounded, with kid's activities in the daytime and corporate activities at night.

There has been a partnership between Splitsville and Howl at the Moon for two decades. Mr. Holian who owns the Boston Howl at the Moon stated that they have served over one million patrons there and did have to deal with an issue of an underage served in 2008 and in 2011 some college kids had fake ids. As a result of that ID scanners were installed. Chief O'Leary has met with him and a representative from the Boston Police Department about the Boston operation. Mr. Holian feels he is capable of being the manager as he has the experience and he is proud of his record.

The Howl at the Moon entertainment will be a few nights a week not every night.

Atty. Hanley noted that this operation will bring in \$75,000 - \$100,000 in tax dollars and create 125 jobs for the area.

Mr. Gibson reviewed the floor plan which he feels is more interactive than a typical bowling alley.

Mr. Revelle noted it will be good for kids, companies and couples. There is a nostalgic feel to the site. They also have concierge service for the shoes and computer set up for the patrons. He feels that people will come for the bowling but come back for the food.

The occupancy will be determined by the Building Commissioner but will range from 650 – 900. Police details will be required.

Sandra Herrmann asked if Mr. Holian will just be an opening Manager or permanent. Mr. Holian stated that a General Manager will be brought in from Florida; Mr. Holian will stay on until he is familiar with Massachusetts regulations.

Atty. David DeLuca who worked on this application on behalf of the town as Special Counsel noted that this is a very unique situation involving both the Gillette Stadium complex and Patriot's Place. They are asking for a transfer of a stadium liquor license to the new facility and also asking for an alteration of premises for the existing stadium license. The Board needs to consider the merits of the transfer request. Atty. DeLuca recommends that the public comments from earlier this evening be noted in the record to be included in this hearing.

Atty. DeLuca noted that the Request for Transfer is not an unusual request, but the Board needs to judge the merits of the request against the public need and public good. The size of the establishment, the alcohol versus food capacity and the number of licenses concentrated in one area need to be taken into consideration.

The stadium had three existing licenses at their complex. This application would take the license from the Dana Farber and practice fields facility and move it to this business. The shortage of license is not a Board issue. The number of licenses available in the area was determined by Town Meeting and the State Legislature. The Board is charged with listening to the evidence and making a reasoned decision that is not arbitrary and capricious. The decision needs to be based on the evidence, the testimony from the public and the application relative to the transfer. The Alteration of Premise request will be dealt with later.

Chief O'Leary has submitted a report of his observations of the operation in Florida and Boston. He accompanied Brian Early to the operation in Florida and was impressed with the retro look, the spread out lanes, as well as the firm grasp of the enhanced alcohol service and the training of the staff. He also visited the Howl at the Moon in Boston with Mr. Holian and Jim Staples. This was a different experience, there was a line to get in before 8:00 p.m. but it was well managed. The staff on duty was interacting with the patrons in a positive manner. All patrons were carded at the entrance with up to date technology. The music was loud, but no louder than other venues in Foxboro. The Liquor Control Agent for the Boston Police Department explained the inspection process and violations process. In Boston, operators can be written up for situations such as the theft of a cell phone from a patron.

Chief O'Leary also contacted Dedham about the bowling facility there; they have had no issues with the operation. There are eight liquor licenses at Legacy Place, most are to the restaurants with no entertainment. He will need to look at a strategy for dealing with the additional patrons of Patriots Place and a complete management plan will be needed. He will be working with the management team at Patriot's Place on a plan.

Mr. DeVellis stated that he has received a lot of calls over the past couple of weeks in regards to this proposal. He would like to hold off on comments until the presentations are complete but feels the Ms. Smith's comments earlier this evening sum it up. It will be a good experience and he is excited about the concept, but has concerns with the liquor license.

Ms. Coppola looked on both the establishment's websites and was impressed with Splitsville as a deluxe bowling venue but has concerns with the Howl at the Moon concept. They have large drinks and shots; this doesn't seem to go with the family bowling concept of Splitsville. She feels it will be two different concepts in one area.

Mr. Holian noted that there are 14 Howl at the Moon's in urban markets; this will be different in that they are only bringing the entertainment concept to Splitsville. They have over 100 entertainers on their payroll; this will enable them to bring higher quality entertainment to Splitsville.

Mr. Gibson noted that they do have entertainment at their Disney location and also a DJ. They will not be offering the 84 oz bucket drinks or jello shots. The Howl at the Moon will not dominate the whole operation; they are using the name for the entertainment recognition to attract patrons, not for the drinks.

Brian Early noted that they wanted the Howl at the Moon for the entertainment concept and they will be vigilant on the alcohol service.

Mr. Gray is concerned with the impact on Public Safety. There are a finite number of officers available and a plan will need to be worked on by the Police Chief on staffing. Details will be required due to the nature of the business. He would like to know the average number of patrons at Patriot's Place on a weekend night and the number of officers on duty. Chief O'Leary stated that there are anywhere from 4,000 – 5,000 patrons at Patriots Place and they have one Supervisor and three patrol cars plus details on duty.

Ms. Brue appreciated the presentation and wanted to know how many nights there would be live entertainment. Mr. Holian stated it would be two to three nights probably Thursday, Friday and Saturday. Their hours would be from 11:00 a.m. to 1:00 a.m. initially but could change after they are opened awhile.

Ms. Brue reviewed the police department staffing and statistics with the Board. In 2006 12 liquor licenses were granted and the town had 27 full time officers, which then increased to 31. This has since been increased to 34. In 2002 there were 11,566 incidences, last year there were 18,643 incidences. This facility will generate even more traffic in the area.

Mr. Early noted that the Koff report had projected 1,200 calls per year in 2006. The actual number is lower, but the service is based on the 1,200 number. They have seen a decrease of 64% in the number of incidents on non-event days.

Ms. Brue still feels that Patriots Place has had a dramatic impact since 2002 and now there will be additional 800-900 patrons at the Saga Steakhouse and Splitsville.

Chief O'Leary noted that each establishment and core business needs to be looked at. The steakhouse will have less of an impact than an entertainment venue. There is also the impact of the hotel guests using the restaurants.

Ms. Brue asked about the number of OUI reports, the town has the same number of incidents as Springfield, Lowell, Plymouth, Chicopee and Peabody which are much larger in terms of population.

Ms. Brue asked about the percentages of alcohol to food, Howl at the Moon has 75% alcohol, 25% food; Splitsville is just the opposite with 75% food and 25% alcohol.

Ms. Herrmann asked about Sunday hours. They will ask for opening at 11:00 a.m. The Disney location has a Sunday breakfast bowl available.

Mr. DeVellis asked if younger patrons will be asked to leave later in the day. Restrictions may be worked out with the chief. No one under 21 will be allowed to stay unless they are with an adult.

Stephanie McGowan of 19 Rhodes Lane has been to both Splitsville and Howl at the Moon. She doesn't drink so went to both for the entertainment and was impressed by both establishments. She is excited for another entertainment opportunity for her children. She read the article in the paper about the drinks and violations in Boston and thinks it was unfair given the amount of customers that have been served there.

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

The Board took a five minute recess.

The Board reconvened at 9:00 p.m.

The Board discussed the twelve liquor licenses that were granted for Patriots Place. At that time there was a fee that was granted to the town of \$125,000 per license.

Atty. DeLuca stated that they can deliberate on the Splitsville application now or defer it to another time.

Mr. Sullivan and Mr. De Vellis would like to see the cash value list that was put together when the other licenses were granted before they discuss any kind of mitigation. There was also an article at Town Meeting that year.

The Kraft's pay the town \$140,000 per year in mitigation for those licenses but that will stop after year 12.

The Board discussed the need to come up with an impact number on the liquor aspect of the operation. The liquor license is not new; it is currently attached to the Dana Farber Field House which is a lower impact operation.

Mr. Sullivan wanted it noted that the Kraft Organization brought up the topic of mitigation; it was not suggested by the Board.

Mr. Gray stated that most of this information was received last Friday and there is a lot of information to digest, he is not ready to vote at this time. Ms. Brue and Ms. Coppola would also like more time.

The Board discussed scheduling a meeting for November 5<sup>th</sup> for deliberations on this application. It will have to be checked if this room is available.

A motion to continue the hearing to November 5, 2013 at 7:00 at a location to be determined was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

## **Public Hearing – Alteration of Premise of All Alcohol Restaurant License from NPS LLC 1 Patriot Place**

Mr. Gray read the Public Hearing notice. The applicant was represented by Atty. Jim Cobrey, Atty. Steve Miller and Manager James Nolan.

Atty. Miller noted that the Kraft Organization is supporting the transfer of the license held by Foxboro Realty to Splitsville. As a result of that transfer request, they are submitting an Alteration of Premise to amend the Stadium license to include the Field House if the Splitsville request is approved.

The Field House is already a licensed premise and will have all the same accesses and egresses. The intent of the alteration is to take an under utilized license and put it to 365 day use. This alteration will not change the day to day operations at the Field House, but will allow for a continuation of events held there.

The Club House liquor license was transferred to the Saga Steakhouse earlier this year.

They would like to extend the outline of the stadium license to include the fields. All locations would be within the perimeter fencing on the site.

Jim Nolan the Manager of Record for Gillette Stadium and Foxboro Realty Associates noted that all the licenses fall under the same unified command structure. The same policies and procedures are used at both locations; there is one alcohol manager, one food manager and one director of security. They will not be adding any additional events or personnel.

They work with Chief O'Leary on Public Safety issues. Mr. Nolan handed out and reviewed the stadiums policy and procedures for alcohol service at the stadium and the field house. They utilize monitoring, TEAM training, sales policies, a designated driver program, management by walking around, alcohol free sections, communication with police, ticket revocations, ID machines and periodic review by the ABCC.

They will also be conducting an alcohol awareness campaign hosted by the District Attorney on November 11<sup>th</sup> at Patriots Place.

Ms. Brue asked about the number of functions held at the practice fields. It is not a significant number; they used to serve alcohol at training camps but discontinued that practice.

Mr. Gray asked why the license was not separated when the new stadium was built. This was an existing license that was already in place before Gillette Stadium.

The Board discussed continuing this hearing next Tuesday or Wednesday. Availability is an issue.

A motion to continue the Public Hearing to November 5, 2013 at 7:30 p.m. in a place to be determined was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A motion to amend the previous motion to continue the hearing on Splitsville to November 5, 2013 changing the time from 7:00 p.m. to 8:30 p.m. was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

## Town Manager Search

Input has been received from private citizens and Chairmen of Boards and Committees. Ms. Brue has been working with the Collin's Center on a Final Draft which was distributed. Mr. Gray had a few suggested changes.

A motion to approve the final draft as amended to be submitted for publication was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

All other agenda items will be moved to the November 5, 2013 agenda.

The meeting was adjourned at 10:00 p.m.

Respectfully Submitted,

Diana Gray

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John R. Gray, Clerk