

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
MINUTES
AUGUST 5, 2014

Members Present: Lorraine A. Brue, Chairman
John R. Gray, Vice Chairman
Virginia M. Coppola, Clerk
James J. DeVellis
David S. Feldman

Others Present: William G. Keegan, Jr., Town Manager
Mr. Nicolos A. Calnan
Ms. Sharon Wason, Town Planner
Mr. Michael Johns, Veterans Agent
Commander Leo David Agnew
Senator James E. Timilty
Representative Jay Barrows
Tom Driscoll, Post Master
Tom Terrien, Military Order of the Purple Heart
Betty Benoit, Military Order of the Purple Heart
Wayne Henry, Military Order of the Purple Heart
Fire Chief Roger Hatfield
Mr. George Bell, Stadium Advisory Committee

The meeting was brought to order at 6:45pm by Chairman Lorraine Brue.

A motion to enter into Executive Session at 6:45pm and to return to regular session at the conclusion was made by Mr. Gray. Seconded by Mr. DeVellis. The motion carried 5-0-0. **Roll Call Vote Lorraine Brue - yes, Virginia Coppola – yes, James DeVellis – yes, David Feldman – yes, John Gray - yes**

The Board returned to regular session at 7:00pm and the meeting continued.

Ms. Brue reviewed the agenda.

7:00pm – Citizen's Input – Mr. Calnan came before the Board to accept his citation from the Board for achieving the highest rank of Eagle Scout.

Ms. Brue congratulated Nicolos citing his many accomplishments in achieving this rank as well as presenting him with his citation.

Ms. Wason came before the Board to inform/invite everyone to the Payson Road Ground Breaking Ceremony next Tuesday, August 12, 2014 at 7:00pm. This renovation is part of the \$232,000 grant the Town received. Ms. Wason informed the Board that she had received great

cooperation from the Recreation Department as well as the DPW. The areas being renovated are the overgrown areas along the driveway. Walking trails will be put in along with handicap accessibility and a playground area.

7:05pm – Purple Heart Ceremony

Mr. Johns thanked everyone for coming and stated that this evening was about our continued support, recognition and provision of medical assistance and life support for our folks that have been wounded in combat.

Mr. Johns further stated that our motto “Foxborough Cares” really speaks well to this. This is a Foxborough Community effort. This is something where the community has really stepped up, reached out and said “I have a neighbor, an uncle, etc., that is a Purple Heart recipient.”

Mr. Johns stated that the Foxborough team that put this together were:

- The Board of Selectmen as a whole
- Town Manager
- Virginia Coppola (who has spent countless hours, weekends and evenings doing research)
- Jack Authelet, Town Historian
- Jennifer Savickis, Historical Commission
- Paul Godin, Historical Commission
- as well as many others.

Mr. Johns explained to everyone that this chain of events happened when Commander Agnew sent the Board of Selectmen a letter in which, then Chairman, Mark Sullivan took that letter and stated that this was something the Board of Selectmen needed to do. Mr. Sullivan then assigned the task to Virginia Coppola who has since driven this train in the right direction.

The search of Veteran and historical files throughout the town and state along with calls to the National Purple Heart Hall of Fame resulted in a list of 72 Foxborough Purple Heart Recipients.

Not only have their families been there for them but now our community is putting a stake in the ground saying we are going to step up, do better and we are going to provide them with tangible, real services to make sure we live up to the words “Never Forget”.

Commander Agnew stood before the Board and stated that it was appropriate to pick this time of year because it happens to be Purple Heart week and as everyone knows August 7th is Purple Heart Day.

Mr. Agnew handed out Purple Heart pins to the Purple Heart recipients and a special pin to families of deceased Purple Heart recipients.

Commander Agnew presented a Certificate of Acknowledgement to the Town of Foxborough being designated as a town in the Commonwealth of Massachusetts as a Purple Heart Community honoring August 7th as Purple Heart Day.

Chairman Brue accepted the plaque on behalf of the town.

Chairman Brue thanked Michael Johns and his volunteer group as well as Virginia Coppola on behalf of the Town for their dedication and hard work in bringing this project to fruition.

Virginia Coppola read the proclamation on behalf of the Board of Selectmen proclaiming the Town of Foxborough as a Purple Heart Town and the Board of Selectmen declaring August 7th as Purple Heart Day.

Senator James Timilty stated that the whole committee that has put this together has done extraordinary work. Senator Timilty stated that he felt this was evident as when it comes to Veterans Foxborough pays very special attention.

Senator Timilty read a thank you proclamation from the Massachusetts Senate in recognition of Foxborough being a Purple Heart Town and their Purple Heart recipients.

Mr. Tom Driscoll, Post Master, allowed the use of the enlarged Purple Heart Stamp poster. Mr. Driscoll also reminded everyone that the Post Office has plenty of Purple Heart stamps.

Representative Jay Barrows read a proclamation from the House of Representatives offering sincere congratulations in recognition of our official certification of being a Purple Heart town.

Mr. Johns read the roll call of Foxborough Purple Heart Recipients while those in attendance accepted their certificates.

Mr. Johns also stated that on Wednesday, August 6, 2014 from 7:00pm – 9:00pm at Memorial Hall there will be a viewing of all the Purple Heart proclamations as well as certificates will be handed out to those people that could not be in attendance this evening.

Mr. Johns also informed everyone that this Thursday, August 7, 2014 the Foxboro Reporter would be featuring an extensive research article written by Jack Authelet highlighting many of the names everyone heard at the meeting this evening. Also, on Thursday, August 7th – Purple Heart Day, Purple Heart flags will be around the Town Common and Memorial Hall from this year forward.

7:50pm – Public Hearing – NPS LLC –UMass 2014 Home Games

Ms. Coppola read the public hearing notice.

Mr. George Bell, Stadium Advisory Committee and Fire Chief Roger Hatfield came before the Board to update them on the status of their findings for the UMass Home Games at Gillette Stadium.

Mr. Bell stated that they had met with the stadium representatives and reviewed the application for the three (3) UMass home games.

The first game will have the highest attendance from between 20,000 – 30,000 people.

The second game is an alumni game and is estimated to have around 15,000 people in attendance. Also, Amherst restaurants will be attending this game for “A Taste of Amherst” so the Board of Health will be involved.

The third game will be the smallest with an estimated 10,000 people in attendance.

Mr. Bell stated that they found no significant issues and from a fire standpoint of public safety it will be staffed at a Level 2.

Mr. Bell further stated that Chief O’Leary requested a train based on the fact that an estimated 30,000 people would be attending the B.C. game and there would be a need for public transportation. Mr. Bell called the stadium today to get an update and was told they had submitted their request to the MBTA and it was under review.

Mr. Bell stated again that they, as well as the Police Chief saw no significant issues with regard to public safety and as such were recommending the Board of Selectmen approve this application.

Chief Hatfield stated that the games have had a moderate turn out. The B.C. game will be the largest but they are prepared for it.

Mr. Gray asked how many games did UMass have last year in which the Chief Hatfield stated six (6).

Mr. Keegan stated that the new additions they have added to the stadium at Amherst are near completion.

Mr. Keegan informed the Board that the representatives from the Kraft Group were unaware that there was a meeting this evening as there was a miscommunication with our office so they stated they would be more than happy to provide input if necessary.

Mr. DeVellis stated that the Board has always supported the UMass games and public safety is usually the only concern they have. Having seen them a number of times now, I think we welcome it and it is good for Foxborough.

Motion was made by Virginia Coppola to close the public hearing. Seconded by James DeVellis. **Vote 5-0-0**

Motion was made by Virginia Coppola to approve the Gillette Stadium UMass Home Games on August 30th, September 6th and October 18, 2014. Seconded by John Gray. **Vote 5-0-0**

8:00pm – Open Meeting Law Complaint Procedures

Mr. Keegan supplied the Board with Draft #5 of the Open Meeting Law Complaint Procedures which highlighted a change requested by Chairman Brue to alter the language with respect to Step 5 at the very end.

Ms. Brue stated that the original language in the proposed policy stated that “Should the AGO determine that a violation has occurred the decision of the AGO shall be final. Any efforts to submit new information to an investigation after a decision has been rendered by the AGO shall be disclosed at a public meeting.”

Ms. Brue asked the Board if they could alter this slightly to state “Should the AGO determine that a violation has occurred any efforts to submit new information to an investigation after a decision has been rendered by the AGO shall be disclosed at a public meeting.”

Ms. Brue stated that her reason for this was that sometimes things may come out after discussion that may want to be brought forward.

Ms. Brue further stated that if the Town Manager and Town Counsel see value to that information it should be their call to make a determination if additional effort should be made if there is a particular violation.

Ms. Brue wanted to leave this option open so that people have the opportunity if they feel that something really important is missing that they would be able to go back to the Town Manager and Town Counsel with some new piece of information. It is not meant to keep things going, it is only meant to supply some flexibility here and leaving in place that it would be disclosed at the next public meeting.

Mr. DeVellis asked what would be disclosed, “there is no information that was submitted” or “here is the new information I want to submit”, before they submit it.

Ms. Brue stated she thought that should be left up to Town Counsel and the Town Manager as to the value of the merit of any new information and in that way the decision is made independent of the Board and the Board as well as the public would hear that it is happening at our meeting. In that way not any one person can influence Town Counsel or the Town Manager to do something that doesn't have merit.

Mr. Gray asked during the process of an investigation who is governing the channeling of information to the Attorney General's office.

Mr. Keegan stated that it is the Town Manager as well as Town Counsel.

Mr. Gray asked if information can be channeled all through the investigation period without bringing the matter in front of the Board.

Mr. Keegan asked if the intention of this change was that if something came out after the determination was made. Ms. Brue stated yes.

Mr. Keegan stated that he believes the previous language stated that once the decision has left, it is a final decision but that if something comes out that is rather significant it would be similar to a trial if the new evidence could really alter the outcome of the trial.

Mr. DeVellis stated he did not like the conduit that individuals go to the Town Manager as he could be influenced as the Board is his boss.

Mr. DeVellis further stated that the way the regulations are, the onus is on the Town Manager and Town Counsel to make the determination first and then it would get submitted to the Attorney General. Mr. DeVellis felt that what this does is it opens up five (5) people coming to the Town Manager and Town Counsel which is exactly what the Board is trying to avoid. There could be a situation where we do our best for the Town Manager and Town Counsel to work it out and come up with a determination and right or wrong it goes to the Attorney General's Office. Mistakes are made or there is information that is not there but if there is information that isn't there at that point then it is a public process and that information needs to come to the table and we need to discuss it.

Mr. Keegan stated that he thinks there is a way to address the issue in that if a situation were to arise where a decision has been rendered and new information comes to the Board he thinks it would be alright to discuss this in Executive Session because at that point this would be a new piece of information that would be submitted for adjudication.

Mr. DeVellis stated that at that point the complaint and/or lawsuit is passed so there is no pending issue to bring into Executive Session.

Ms. Brue stated that it would be similar to considering an appeal at that point.

Mr. DeVellis stated he was fine in that if someone has more information the Board states they want this on the next agenda under Executive Session.

Mr. Keegan stated yes, in this way everyone is in agreement that this information is worthy of consideration.

Ms. Brue stated the wording could be "Should the AGO determine that a violation has occurred any efforts to submit new information to an investigation after a decision has been rendered shall be discussed in Executive Session at the next scheduled meeting".

Mr. DeVellis stated the wording should be "requested to be put on the next agenda" and if the Board/Chairman does not want to put it on the agenda I think that request has to be in public to state this is what we want to do.

Mr. Keegan asked "for the Executive Session for review"? Mr. DeVellis stated correct.

Ms. Brue asked if there would be a timing issue. Mr. Keegan stated there would not be issue on that level. Timing is only an issue on the initial review timeline but not the appeal process.

Motion made by James DeVellis to adopt Draft 5 with amendments to make subject to finalize Draft 6. Seconded by John Gray. **Vote 5-0-0**

8:05pm – Town Committee Handbook

Ms. Brue asked if there were any comments/changes to the Town Committee Handbook which there were not.

Motion was made by John Gray to adopt the latest Revision dated 7-22-14 on the Town Committee Handbook. Seconded by James DeVellis. **Vote 5-0-0**

8:10pm – Town Hall Working Group – Town Hall Update

Mr. Feldman stated that the Town Hall Working Group will be dealing with specific tasks over their next few meetings which are:

1. Renovation (True Savings)
2. Tearing Down/Building New (what impact is to operations)
3. Public Information Kick Off
4. Web Page/Link to Web Page
5. Frequently Asked Questions (to be posted)
6. Direct Link on Foxborough Home Page
7. Put an article in the Foxboro Reporter laying out the process of development
8. Timeframes
9. Facebook Page (Citizens will be able to post direct comments to posts)
10. Comp. Studies (Need to verify costs and will be reaching out to other communities to compare costs)
11. Group Contacts (Verify Unit/Development Costs – Engineers, Contractors, etc.)
12. Temporary Locations for Renovation/New Building
13. Town Owned Sites if Relocation is necessary

Mr. Keegan informed the Board that the test borings in the Town Hall parking lot have been completed and have come back okay. We will be able to build in the Town Hall parking lot.

Mr. Keegan stated that the issue of relocation is important and that he doesn't want to use school properties because of the security/space issue.

Motion made by John Gray to resolve and direct all parties involved not to utilize any space within an active school building. Seconded by James DeVellis. **Vote 5-0-0**

8:50pm – Town Manager Update

Mr. Keegan congratulated Chris Gallagher, Town Engineer on his new daughter.

Sharon Wason is drafting an RFP for the former Fire/Funeral Home site. Ms. Wason found a similar project that was done in Provincetown where (2) two parcels of land are next to each other. Hopefully Ms. Wason will have the draft completed this week. Mr. Keegan further stated that he had spoken to Roger Hill about getting sewer to that location which will make the property even more valuable.

Mr. Keegan has been conducting telephone interviews for the Assistant Town Manager position. There have been over 100 candidates of which 20 are fully qualified. Mr. Keegan wants to narrow that down to 10 that he will be meeting face-to-face.

Mr. Keegan has interviews set up for the week of 8/20/14 in which he hopes to narrow his selection down to 3 candidates and will make his selection from those three by the end of the month.

Mr. Keegan stated that the new Town Hall Facts & Questions list which was mentioned earlier is significant and will be posted ASAP. The Town Hall Working Group has to still work on the answer portion of things for this.

Mr. Keegan informed the Board that the Legislature wrapped up its' session this week finalizing certain pieces of legislation which will now go to the Governor for his approval. They were:

- a. Bills associated with Economic Development which would have freed up the cap on alcohol licensing – this did not pass.
- b. Early Opening on Sundays for Package stores – passed.
- c. Gun Violence Reduction Bill – passed
- d. Local Housing Authority Reform Bill – passed
- e. Environmental Bond Bill – passed
- f. Water Infrastructure Finance Bill – passed
- g. Solar Net Metering – passed (we have a project waiting for approval)
- h. Information Technology Bond – passed
- i. MMA is analyzing a shift swapping collective bargaining bill. They are not sure if the MMA will be supporting this or not at which point they will appeal to the Governor to reject it.

All of this information is listed on the MMA website at: www.mma.org

Mr. Keegan also wanted to thank Michael Johns, Virginia Coppola and the Board for all the work that had been done with the Purple Heart Ceremony.

Action Items

Motion was made by Virginia Coppola to Re-Appoint the Election Workers effective 9/1/14 to 9/1/15. Seconded by John Gray. **Vote 5-0-0**

Motion was made by Virginia Coppola to approve the June 24, 2014 minutes as amended. Seconded by John Gray. **Vote 5-0-0**

Motion was made by Virginia Coppola to approve the July 8, 2014 minutes as written. Seconded by James DeVellis. **Vote 5-0-0**

Motion was made by Virginia Coppola to approve the July 22, 2014 as amended. Seconded by John Gray. **Vote 5-0-0**

Motion was made by Virginia Coppola to accept the resignation of James Foley from the Board of Recreation and thanked him for his service. Seconded by David Feldman. **Vote 5-0-0**

Motion was made by Virginia Coppola to appoint Jenna M. Strickland as a Full Time Member to the Board of Recreation. Seconded by John Gray. **Vote 5-0-0**

Motion was made by Virginia Coppola to approve Jake n Joe's request for Sunday Early Openings for serving Alcoholic Beverages at 11:00am during all the 2014 New England Patriots Home Games starting at 1:00pm. Seconded by John Gray. **Vote: 5-0-0**

Motion was made by Virginia Coppola to sign the 40B Technical Review Assistance Application Approval for \$10,000 in services for Wyman Village from the State to the Foxborough Planning Board. Seconded by John Gray. **Vote: 5-0-0**

Motion was made by John Gray to adjourn at 8:40pm. Seconded by Lorraine Brue. **Vote: 5-0-0**

Respectfully Submitted,

Debra A. Jarvis

Virginia M. Coppola, Clerk