

TOWN OF FOXBOROUGH  
SELECTMEN'S MEETING  
MINUTES  
OCTOBER 21, 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  
Ms. Mary Beth Bernard, Assistant Town Manager  
Mr. Randy Scollins, Financial Director  
Ms. Sharon Wason, Town Planner  
Mr. Robert Correia, Child Sexual Abuse Awareness Committee  
Ms. Lynda Walsh, Child Sexual Abuse Awareness Committee  
Ms. Jess Stephenson, Gillette Stadium  
Mr. Michael Ashapa, Stadium Advisory Committee

The meeting was brought to order at 6:30pm by Chairman Lorraine Brue.

A motion to enter into Executive Session at 6:30pm and to return to regular session at the conclusion was made by Mr. Gray. Seconded by Mr. Feldman. The motion carried 5-0-0.

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

Ms. Brue reviewed the agenda.

**7:00pm – Child Sexual Abuse Awareness Committee – Robert Correia and Lynda Walsh**

Mr. Correia and Ms. Walsh appeared before the Board to provide them with the Committee's annual report.

Mr. DeVellis wanted to prep the Board on why the Committee was here this evening.

There are two items on the agenda this evening. One is that the Board just came out of Executive Session where the Board had a discussion on strategies and legal concerns on a sexual abuse case.

The second item is the annual report from the Child Sexual Abuse Awareness Committee. These are somewhat related but two different topics.

Under Executive Session, the Board had the ability to go in and talk about strategies and legal issues. The issue was that there was a letter received from Attorney Garbedian who is

representing individuals from Foxborough during the era of William Sheehan. The Board thought it wise to go in and talk about strategies.

The issue that was discussed was the Board wanted to ask the Police Department to write a formal report on everything that happened from once they were aware of the situation back in the 1980's until now.

Back in November of 2013 the Board of Selectmen appointed a committee of seven (7) people and at that time they named the committee the "Foxborough Child Safety Committee". The Board were looking for a committee to come together to provide a code of conduct training on sexual abuse (how to be aware of it, provide protocols for reporting it as well as who they report it to).

The Board required this committee to provide a yearly curriculum of dispensing materials and education throughout the community. At the end of the year they were to come back to the Board and provide them with a report of what they had done for the year.

The Board would also inform the committee on what they expected from them the following year.

The Board sponsored a warrant article to bring this to town meeting so that it was put into our by-laws stating that this committee supersedes any of the Selectmen that are here.

Mr. DeVellis wanted to recognize the people that were appointed back in November. These people represented seven (7) sectors of the community that the Board thought were important to outreach to.

The seven (7) volunteers are:

Debbie Spinelli, School Superintendent  
Jeff Downs, Board of Recreation  
Detective Tim O'Leary, Foxborough Police Department  
Reverend Bill Dudley, Representing the Religious Institution  
Vicki Lowe, Council on Aging and Human Resources  
Lynda Walsh, Foxboro Jaycees  
Bob Correia, Member at Large

This was codified in May at Town Meeting.

Mr. DeVellis thanked Mark Sullivan for his work in helping to get this committee up and running.

The committee's original name was "The Foxborough Child Safety Committee". There was a motion made on the floor that if they were going to do this they were going to do it right so they called it the "Child Sexual Abuse Awareness Committee".

The Committee is here tonight to give their formal report.

Mr. Correia stated that in the beginning they formed this committee as a result of two requests that came before the Board from the survivors of the Bill Sheehan era. One of the things asked at that time was for the Board to look into the management side of this issue which was to set up a committee to look into spreading awareness and educating people as to what it is all about.

Through all the different trainings a lot of people have woken up. It happened here, it is still happening here.

This committee is set up to educate as many people as they can.

The committee had three different initiatives:

1. Train all town employees (which includes new employees). Mary Beth Bernard, Assistant Town Manager will be part of the incoming training. Almost all town employees have been trained at this point.

The School Department had their people trained (including new employees) before this rule was made.

2. Have a requirement that anyone using town facilities more than three times must submit a list of their coaches and people in charge and signify those individuals have been trained.

The committee can guide everyone else in town through the churches, the Jaycees, boy scouts, girl scouts, etc., and train them.

3. Every year we are going to introduce different training. Our basic base-line training is Darkness to Light backed by the YMCA. This is something everyone has to do this year.

Ms. Walsh stated that a few of the committee members will become trainers so they won't have to reach out to the YMCA each time. Part of the budget that the Board gave the committee will be used for that.

The school has five (5) trainers but if they are unavailable the committee will have others.

Ms. Walsh believes Foxborough is going to be a leader in the State of Massachusetts. Already there are people from other towns reaching out to the Board to see how they can get involved in something like this, so congratulations to the Board in being leaders once again.

Last fall at the Regional Conference (around 800 attendees) everyone had facts and figures but no direction on what to do. During the round table discussions Mr. DeVellis stood up and informed everyone the kinds of things Foxborough were thinking of doing. Everyone clapped because Foxborough were the only ones that had anything going forward. The committee knew then they were going in the right direction.

Mr. DeVellis stated the training also helps protect individuals such as coaches, teachers, or someone with kids to not put yourself in a situation where there is one player to one coach. There should always be two coaches for one player.

All of Foxborough's leaders attended the regional conference because it was important to the town.

Mr. Feldman stated that he took the training as a coach but at the end of the training session he was so happy that he took the training as a parent. Mr. Feldman thought this could be advanced by putting a link to the training on the school and/or town website.

The training is invaluable to parents as they are the ones that are taking their kids to practices and games and they can see the warning signs.

Ms. Walsh stated that is why they are at the point of reaching out to other organizations and getting the parents involved. This is going to be open to everyone for the next couple of trainings coming up in November.

Ms. Brue stated she is an employee of the YMCA so she has taken the training for quite some time and it is just amazing what people don't know. Ms. Brue thought the Committee's approach to get that out to the parents and further out into the community is really terrific because it is important for people to learn as much as possible.

Mr. DeVellis thanked Deb Spinelli, Superintendent as their system has all of the checks and balances and is a good example of one department helping another department.

**7:15pm – Public Hearing – MIAA 2014 Super Bowls at Gillette Stadium – Jess Stephenson and Mike Ashapa, Vice Chairman Stadium Advisory Committee**

Ms. Coppola read the public hearing notice.

Ms. Stephenson stated that they are coming before the Board this evening for application approval for the 2014 MIAA Super Bowls. This is the eighth (8<sup>th</sup>) year that they have hosted this event at the stadium.

The first game starts at 9:00am and the last game starts at 8:00pm. During the interim they have six (6) games with a twenty (20) minute downtime for any necessary injury time outs.

Overall the day tends to run very smoothly. The parking lots and gates will open at 8:00am.

Ms. Stephenson gave the Board a further rundown on their procedures throughout the event.

Mr. Ashapa stated that this has been reviewed by all of the Stadium Advisory members as well as the Police and Fire Chiefs.

Motion was made by Virginia Coppola to close the public hearing for the MIAA High School Super Bowl Games. Seconded by John Gray. **Vote 5-0-0**

Motion was made by Virginia Coppola to approve the application by NPS, LLC for the MIAA High School Super Bowl Games at Gillette Stadium on December 6, 2014. Seconded by James DeVellis. **Vote 5-0-0**

### **7:30pm – Discussion – Moving a Pole on Ridge Road**

Ms. Brue stated that there was a public hearing this afternoon at 3:30pm. There were no objections at that public hearing per Sandra Herrmann who was present. What the Board needed to do tonight was to vote on approving the movement of this electrical pole to the other side of the road.

Mr. Gray stated that for the record this is an existing pole, which is shared between National Grid and Verizon. The topic simply is to move that pole from one side of the street to the other.

Mr. Keegan stated that the Town Engineer and a representative from National Grid were present at this meeting. There were no public attendees.

Motion was made by Virginia Coppola to approve the request by Mass Electric Company and Verizon New England, Inc., to move the pole at 10 Ridge Road from one side of the road to the other. Seconded by John Gray. **Vote 5-0-0**

**7:35pm – Citizen’s Input** – No one was present.

### **7:36pm - Action Items**

Motion was made by Virginia Coppola to approve the renewal of a Hackney license for Maurice Barkachi expiring on October 28, 2016. Seconded by John Gray. **Vote: 5-0-0**

Motion was made by Virginia Coppola to approve the acceptance of a donation for \$25.00 from Susan Collins to the Recreation Department for the skateboard park rehab project. Seconded by John Gray. **Vote 5-0-0**

Motion was made by Virginia Coppola to approve the October 7, 2014 Board of Selectmen minutes as written. Seconded by John Gray. **Vote 5-0-0**

### **7:40pm – Information Items**

Xfinity 3D is no longer available.

Letter from State Representative Jay Barrows to the MassDOT regarding the Commuter Rail Station expressing his concern that there was a recent decision to put the Foxborough Commuter Rail Service Station into full time use and is requesting further insight into the decision making process on this matter.

Mr. Keegan stated the meeting between the MBTA and the State Representative and Senator had to be postponed so until that meeting reschedule they will not schedule a meeting with the Board.

Ms. Brue asked about a local meeting that was going to be held at Patriot Place.

Mr. Keegan stated he received information this week about a meeting on November 19, 2014 from 8:00am – 11:30am at Patriot Place put on by MAPC to talk about rail transportation to the region.

### **7:50 – Special Town Meeting Warrant**

Ms. Wason distributed a memo to the Board explaining the three (3) Planning Board articles. The Planning Board believes all three articles are not controversial.

### **Article 5 – Accessory Apartments**

Article 5 changes the definition of an Accessory Apartment. It currently defines it as a separate dwelling unit pursuant to Section 8.1 of the Zoning By-Laws which are only the accessory apartments that require a special permit from the Planning Board. You can also have an accessory apartment where you get just a building permit from the Building Inspector.

The Planning Board changed the definition to reflect both the special permit accessory apartments and the building permit accessory apartments.

They also addressed two issues that they have had in the last couple of years, that accessory apartments may only be in detached single family homes and that the house must be in existence at the time of the application.

The Planning Board worked very closely with Bill Casbarra, Building Commissioner to be sure that it addressed any of his concerns.

The size and the requirement that it is for a family member of the owner of the home has not changed.

Ms. Wason noted in her memo at the close of the Planning Board’s public hearing on October 9, 2014 the Board voted unanimously to recommend adoption to the town meeting.

Mr. DeVellis asked if there was a lot of public input that people were interested in this at all.

Ms. Wason stated she believed that Ms. Coppola was the only one in attendance.

### **Article 6 – Attach Plan of the Foxborough Center Overlay District “FCOD”**

Ms. Wason stated that Article 6 would attach the plan of the Foxborough Center Overlay District “FCOD” prepared by MAPC as Appendix C of the Zoning By-Law.

Ms. Wason stated the Planning Board wanted to make sure that people knew exactly where the overlay district is and very clearly as to whether their property was in or out of it so we chose to amend the zoning by attaching that map.

At their public hearing on October 9, 2014 the Planning Board voted unanimously to recommend that town meeting adopt this amendment.

### **Article 7 – Change to Definition of Height of Building**

Ms. Wason stated that Article 7 changes the definition of height of building. Ms. Wason provided on the back of the memo that she gave to the Board a graphic that she had found in a historical report of the American Planning Association showing how to determine the height of a building. That is consistent with their existing definition that if it is a full walkout basement, you count the basement and halfway up the gable roof.

Ms. Wason explained how/where to properly measure to get the height of the building.

The Planning Board is proposing to change the definition to is the second drawing. The mean grade around the building and there is a slight slope to this house. It is a little deeper in the back than the front and it goes up to the peak of the gable. This is the definition in the state building code. This change was requested by Mr. Casbarra and he is very comfortable with the definition in the warrant and in Ms. Wason's memo.

At the Planning Board's public hearing on October 9, 2014, the Planning Board voted unanimously to recommend adoption to town meeting.

Ms. Coppola stated that at the Planning Board meetings all three warrant articles were very well explained to the audience and also to the Advisory Committee who asked very good questions and received very complete and easily understood answers from the Planning Board.

All three warrant articles have been vetted very well.

### **Sign By-Law**

Ms. Wason stated that they met last week and received more comments from local business people. Again, the Billboard Advisory Committee is very thankful for the financial support from the Board of Selectmen that enabled them to hire a consultant to do the bulk of the redrafting.

The committee came up with (as is in existence) a non-zoning by-law. They tried to be fair to everyone.

They sought to encourage creative signs to deal with a small New England town with a major NFL stadium on the other side of it and come up with a sign by-law that worked for both and they think we have succeeded.

It is a compromise document but is better than what the town has now.

Ms. Brue stated that the committee worked to make it as level of a playing field as possible for all of the businesses.

The Advisory Committee also had really good comments.

Ms. Brue and Ms. Wason stated that the plan is come spring to come forward with potentially a separate electronic billboard article.

Upon the advice from Ad Com they removed the electronic billboard portion of the by-law to get more public comment on that section.

Ms. Wason stated that the Board of Selectmen were at the Ad Com meeting in September where they spent two hours walking through every section of the by-law. Ms. Wason didn't know if the Board had any more specific questions at this point in time but she didn't want to burden the Board with a repeat of that presentation.

Ms. Wason stated they tried to provide a process without overburdening the Board of Appeals. One of the consultants wanted everything to go through the Board of Appeals. The Board decided on taking only the most critical ones.

The committee came up with three sign districts – the Route 1 corridor and the large signs that are allowed in that neighborhood are on lots that only have frontage on Route 1 and lots connected to them that are not zoned residential.

Land owned by the Kraft Group towards Ashcroft Road and Cross Street that are zoned residential, they can't put up large signs there.

That is the least restrictive district.

The most restrictive district is around the center of town including the historic district and a number of the historic buildings that people in town care so much about.

The rest of the town is in the middle.

Large developments on Route 1 can have larger signs. The committee will also look into this for Foxboro Plaza, Foxfield Plaza, and Invensys.

Ms. Wason stated as they start to use the by-law should it be adopted at town meeting they will probably discover other things that they will want to refine.

Mr. DeVellis asked Ms. Wason as a Planner if it surprised her that the by-law came out to be twenty-eight (28) pages.

Ms. Wason stated that six (6) pages are definitions to explain a lot of what you can and can't do. A number of sections only apply to one area. If you look at the Administrative section in your sign district it is under 8-9 pages.

Mr. Feldman's concern is that if someone does want a larger sign than what is approvable is that process going to be cumbersome.

Ms. Wason stated that this was one of the last changes they made where you can go to the Board of Appeals and make your case why you need a larger sign.

Ms. Wason stated that this is not a zoning by-law but a general by-law of the town so that makes it easier for grandfathering as well as pre-existing nonconforming things.

Ms. Wason stated that people can call her and either she or Bill Casbarra and they will walk them through it.

### **Article 1 – Financials – New Police Officer**

Mr. Scollins stated that this is probably the most straight forward article on the warrant. What it does is puts into effect what the Board negotiated with the Kraft Organization with regard to the liquor license agreement.

As a result of that agreement the Kraft Organization paid to the town the mitigation amount to cover the cost of an additional police officer to the town.

The amounts arrived at were derived by Chief O'Leary and Mr. Scollins and reviewed with the Kraft attorneys and was agreed upon. This is refunded to the town every year.

The article places the dollars in each of the five (5) expense categories needed to fund the officer.

Mr. DeVellis asked following this year if the town meeting votes this in on Article 1 where does this show up the following year, is this just within the police budget. How are the salary expenses, retirement, insurance, how is that tracked?

Mr. Scollins stated when the Chief hires the next officer the Chief and Mr. Scollins will track what the expenses are with that officer and those will be the expenses that they ultimately share and review with the Kraft Organization and they have agreed to cut a check annually for that. It is a local receipt so it is mixed in with the other five dozen line items that are in local receipts.

Mr. Scollins stated it will be part of the police budget (pension, health insurance, etc.) but the funding will come in via local receipts.

Mr. Gray asked Mr. Scollins if annually he will go through with the Kraft Organization to determine the cost of that officer. Mr. Scollins stated yes.

Ms. Brue asked if there would be another warrant item.

Mr. Scollins stated no.

Mr. Keegan asked if this will be clearly identified where that money is coming from in the local receipts line.

Mr. Scollins stated that they have actually set up a new account code to track that particular revenue coming in just like we do with the mitigation.

### **Article for Town Hall Project**

Mr. Keegan stated the article at town meeting is requesting funding to pay for the architectural and overall project manager expenses for the building of a new town hall. That is based on the recommendation from the Town Hall Working Group. It has been placed before this Board as well as Ad Com has addressed this section of the warrant.

Mr. Keegan stated that they have come to the point in the process where they are trying to get a handle on the exact cost of the architectural and overall project manager costs. They have interviewed four (4) finalists for the architect yesterday and they are now in the process of identifying the final cost for that proposal.

Secondarily they received eleven (11) overall project manager applications today and they will be going over that list to get that ready for next week as well.

By next Tuesday they will have something for the Board and Ad Com information pertaining to the exact costs of what they are looking to do.

Those will be the numbers that they will be presenting at town meeting and the motion for consideration at town meeting.

They will be prepared to make a recommendation to the Board next week and they will have Mr. Yukna come in as well to explain how they arrived at that decision.

Article 1 – Motion was made by Virginia Coppola to support Article 1 at Town Meeting on November 17, 2014. Seconded by John Gray. **Vote 5-0-0**

Article 2 – Vote to transfer from available funds \$600,000 for the construction of a modular building to house the Department of Public Works Administration Staff at 70 Elm Street.

Motion was made by Virginia Coppola to support Article 2. Seconded by John Gray.  
**Vote 5-0-0**

Article 3 – Transfer an amount from available funds to hire an architect and/or engineer/consultant for the purpose of preparing design plans and specifications to include contract bid documents and estimates for the site work demolition and construction of the town hall.

Ms. Brue asked if the Board wanted to vote on this or wait until they get definite numbers. Mr. Feldman suggested waiting until next week.

Article 4 – To see if the town will vote to amend the general by-laws by deleting in its entirety Section 15.b Sign and replacing it with the following Sign By-Law.

Motion was made by Virginia Coppola to vote to approve Article 4 of the town warrant. Seconded by John Gray. **Vote 5-0-0**

Article 5 – To see if the town will vote to amend Section 11.1 of the Zoning By-Laws by deleting the existing definition of an Accessory Apartment and inserting the new definition.

Motion was made by Virginia Coppola to support Article 5 of the town warrant. Seconded by John Gray. **Vote 5-0-0**

Article 6 – To see if the town will vote to amend Section 2.2 of the Zoning By-Laws by adding the Foxborough Center Overlay District (FCOD) and attaching the plan for the FCOD.

Motion was made by Virginia Coppola to support Article 6 of the town warrant. Seconded by John Gray. **Vote 5-0-0**

Article 7 – To see if the town will vote to amend Section 11.1 of the Zoning By-Laws deleting the existing definition of “Height Building” and replacing with the new definition.

Motion was made by Virginia Coppola vote to support Article 7 of the town warrant. Seconded by John Gray. **Vote 5-0-0**

Mr. DeVellis asked on Article 3 if the number next week will include the architect and the OPM.

Mr. Keegan stated it will be an all-inclusive number.

### **Town Hall Working Group**

Mr. Feldman stated they are planning on October 30, 2014 to have a meeting that is open to the public at the Media Center.

There will be a slide presentation and the group will then be open for questions.

The meeting will be at 7:00pm at the Foxborough High School Media Center.

### **8:25pm – Town Manager Update**

Mr. Keegan wanted to congratulate the Fire Department and the Command Staff who worked on the Firefighters Award Ceremony and the Memorial Mass.

Mr. Keegan will be speaking at the Mass Selectmen's Association Meeting on Saturday morning at the Tri County School in Franklin speaking on the topic of formal government and charter reforms.

Ms. Bernard stated that to assist with the towns initiative on Child Sexual Abuse Awareness Ms. Bernard embarked on taking the project and making sure that the remainder of the employees take the training.

Right now Ms. Bernard is in the process of evaluating who has been trained and who hasn't. She has been in contact with the YMCA in trying to get some dates that will work and looking at meeting locations.

She is hoping to wrap it up in November that all employees have been trained. Ms. Bernard has spoken with Tony and they have set up some dates and they are just waiting on available rooms.

As Ms. Bernard has been going around the last couple of weeks and meeting with department heads she has also been talking about making time for their staff to do this whether they do it on line or at these trainings.

It has been an interesting couple of weeks. They have been involved with collective bargaining and just getting to know the department heads and employees. People have definitely been saving their personnel issues for my arrival.

Ms. Bernard gave her appreciation to Mr. Scollins. Whenever she needed an historical background he was there.

Motion was made by John Gray to Adjourn at 8:30pm. Seconded by Virginia Coppola.  
**Vote 5-0-0**