

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
MINUTES
DECEMBER 9, 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
Ms. Chris Long, Town Resident
Chief O'Leary
Attorney Frank Spillane, Waxy O'Connor's
Mr. Alfred Karnbach, Waxy O'Connors

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 Ms. Coppola. Seconded by Ms. Brue. The motion carried 5-0-0.

The Board returned to regular session at 7:20pm and the meeting continued.

Ms. Brue reviewed the agenda.

7:20pm – Citizen's Input – Chris Long, Foxborough Resident – Ms. Long came before the Board informing them that she had two (2) children whom are heroin addicts. She stated that she was just informed of another overdose in town which made four (4) of which she knew of in the last ten (10) days. Ms. Long contacted the Foxborough Police Department to see if they stocked Narcan. This brings someone that is in an overdose back to life. Ms. Long was informed that the Police do not carry Narcan. Ms. Long stated that this needs to change as there are a lot of people overdosing.

Ms. Long stated that she took the training and it is a very simple 15 minute training session. Very shortly people will be able to go to CVS and request Narcan.

Ms. Brue asked Chief O'Leary to work with Mr. Keegan and Chief Hatfield and let the Board know in the near future what plans are in place.

7:30pm – Selectmen's Update – Ms. Brue wanted to acknowledge the passing of Betty Moreshead. Ms. Moreshead was a long time bus driver for the town.

7:15pm – Commercial Parking Lot Inspections Update – Chief O’Leary – Chief O’Leary stated as indicated by his report to the Board that he had been approached by Captain Paul DeMorreux of the State Police who works the Stadium events, asking if he could assist them in any way with the enforcement of the town’s parking lot regulations. Over the last couple of years with the intensity of the events hasn’t allowed Chief O’Leary to have staff sent to the parking lots.

In the past Bill Casbarra, Building Commissioner and Deputy Fire Chief Bagley have conducted inspections but the Chief thought it would be worthwhile for the state police since they are out on the highway adjacent to those lots to obtain a copy of the rules and regulations that they have in effect and delegate to Captain DeMorreux the inspections.

Over a time period of two games he had his staff go to most of the lots; there were some exceptions and do rough car counts to make sure that the lots had the proper equipment, regulations and there was someone there on-site to be able to help anyone that had a problem especially at the end of the night because they have to maintain a staff member on duty and as a result on October 26th and November 2nd those inspections were done.

Of the 28 lots that were inspected all had the safety equipment as Foxborough requires and were properly signed. There were some lots that had overages beyond what they had for the licensed parking spots. Chief O’Leary contacted the operators of each of those lots to inform them that they were over. Chief O’Leary had conversations with 5 of the 6 lot owners that the Board had in front of them to see if there was any type of rationale or reason and advised them that the Chief would be going out again to those particular lots to verify that they were staying in compliance with the number of spaces that they are allotted.

Chief O’Leary also spoke with Commissioner Casbarra today and at the last game, Detroit Lions which was not one of those games that they had people going out to Mr. Casbarra went out with Deputy Fire Chief Bagley and although they didn’t do car counts they made sure that the roadways within the lots were not over-parked so fire equipment and ambulances could easily go through the lots.

They have four lots that still need to be inspected and Chief O’Leary plans at the all agency meeting on Thursday to have Captain DeMorreux again go to those specific lots to verify that they are in compliance as well.

Ms. Brue asked if there was a cost to the town having the State Police do the inspections. Chief O’Leary stated no because the officers are on duty anyway.

Mr. Gray asked if there was a fine for non-compliance. Chief O’Leary stated the non-compliance would be such that the Board would have to take action.

Mr. Gray asked if this was habitual for non-compliance. Chief O’Leary stated that it was just discovered because of the inspection and he didn’t believe it would be a constant thing and the Chief is hopeful based on his conversation with the lot operators that it would not be but again he

will have a better handle on this when he goes out this weekend when they have a larger crowd for the Miami game.

Mr. Gray stated that in the Chief's statement he had mentioned that there are various retail operations taking place in the lots. Is that outside of compliance. Chief O'Leary stated no, that many of the lots identified have some type of store or business operating on the site as well and it might be a case where the trooper doing the count would assume that all the cars were parking as opposed to having clients. Mr. Gray stated that this car count could be blended in which the Chief responded correct.

Ms. Coppola asked in those situations is there a requirement that the permitted parking be separated in some way from the commercial parking. Chief O'Leary stated that some of the lots have clear markings and there are some lots that don't. That is one of the issues that when the Chief does his inspection they will discuss.

Ms. Coppola asked if they could make that a requirement. Chief O'Leary stated possibly for next year and this is something that could be done if the Board wanted to amend Foxborough's Commercial Parking Licenses.

The last work on the regulations was done in 2011 or 2012 and that was done in cooperation with the lots owners. They participated and looked at all the regulations and they sought input from them because they are the ones that are doing it.

Ms. Coppola asked if right now there is no mechanism for fines. Chief O'Leary stated that he didn't believe so and they would have to be brought before the Board for the violation.

Ms. Coppola asked if it was noted that when they get their permit and rules and regulations that go along with the permit. Chief O'Leary stated that the permit does include the updated rules and regulations and every attendant are to have those rules and regulations with them in the parking lot which was demonstrated to the officers doing the inspections.

Ms. Coppola asked if in the rules and regulations they are subject to a fine for over-parking. Chief O'Leary stated not a fine necessarily but a suspension of the license. Ms. Coppola asked if that was in the regulations. Mr. Gray stated that the Board is the licensing board so they have that option. Ms. Coppola stated that it should also be stated in the regulations.

Ms. Coppola stated that maybe they should do an overhaul of the regulations. Chief O'Leary stated that is what he is suggesting to the Board to take a look at the regulations and amend them so there could be a penalty clause spelled out clearly.

Ms. Brue asked the Chief to do that and work with the lot owners again to review the entire regulations. Chief O'Leary stated they could review the current regulations and discuss the issue of having a penalty clause. Mr. Gray stated they will look for the Chief's suggestion.

Mr. DeVellis stated that the six lots were:

16 Washington Street
Stadium Gulf
Foxboro Realty Trust
Foxboro Rotary
Pinebrook Office Park
Hercules Realty Trust

and the Selectmen should author a letter to send to them and that letter appears at the time they sign the next permit for next year to remind them. It is going backwards if there are no fines and penalties but at least put something in the file that there was a violation and it is on record so there is a starting point in 2015.

Ms. Coppola asked about Lots 29 & 208. The Chief had a discussion with those lot owners as well about the delineation of the lot because they have quite a bit of retail parking at that location so the Chief contacted that particular individual and went over his system again so that the cars that were there were outside of it. Also, they did include a secondary lot that is owned by a different company behind their building that wasn't attributable to that particular lot. Ms. Coppola asked if that lot was not permitted at all. The Chief responded that the back lot was a different lot that was not inspected. It has to be inspected this time around specific to the area.

Ms. Coppola asked about Lot 208 stating they were 25 over. The Chief used a demarcation that from time to time there could be overages and if it didn't hit what the Chief thought was a reasonable number or percentage of the total parking available the Chief did not put them on the list.

7:40pm - Final Report 2012 Investigation – Chief O'Leary

Mr. DeVellis stated that back in the 1980's Bill Sheehan who was an employee of the town had molested many of the Foxborough boys in town. It was brought to the attention of the Police Department by Deb Spinelli, Superintendent of Schools in 2012. When that came to light the town took different steps which included a warrant article that was supported by the town to form a committee which is running successfully and many of the committee members were at the meeting that evening.

There was an investigation that started and trailed off and was on hold for a little bit because Mr. Sheehan was not able to stand trial or not able to answer to it.

What the Board of Selectmen asked Chief O'Leary to do before the end of this year in plain English and redact names that don't need to be spoken of the victims to put in and tell the Board what happened when the Chief was first made aware of the issue back from when this arose all the way up to today. It is a way for the town to wrap their arms around it from the perspective of law enforcement as to what happened and how and to publish it.

The hope is it answers all the questions and if not it is a tool that the town has to write the history as to how they see it now and have it out in the public for people to see it, answer it and learn from it.

The Chief is here tonight to present his report from his perspective on the Sheehan matter and to put it in a public realm right now.

Chief O'Leary handed out copies for the record and for members of the Board of his report. Mr. DeVellis asked if it was worth reading it into the record. Chief O'Leary stated that at the very least the Chief can try to give a short synopsis and then a conclusion for the record. The Chief stated that there may be specific questions if the Board allows from members of the Boards committee and/or recognizing people that were victimized by Mr. Sheehan if they would like to speak.

Mr. DeVellis asked if there were copies for everyone. The Chief stated that he had only made 10 copies. Mr. DeVellis asked if it could be published in the paper and Chief O'Leary stated he had a copy for Frank Mortimer.

Mr. Gray stated that rather than read it directly as long as arrangements have been made with Frank Mortimer to have it published it will serve the same purpose.

Chief O'Leary stated that this particular case started in January of 1998. The Police Department was still located at the bottom of town hall and they had a civilian dispatcher on that particular day and a gentleman came in to speak to a police officer about a matter.

On duty that day was Detective Sergeant James Kozak. Detective Sergeant Kozak had the gentleman come in and he conducted a brief interview which was then later followed up on a couple of different occasions. Detective Sergeant Kozak created a case file and started making up a report of what he had learned in the initial interview. Detective Sergeant Kozak updated Chief O'Leary on the allegations of a former school employee that had worked in the community and he also contacted the Norfolk County District Attorney's Office; in particular their Sexual Assault Unit which at that time was run by an investigator named Patricia Negreli. Ms. Negreli had been there for years even prior to the Chief arriving to the town as a police officer in the late 70's.

Detective Sergeant Kozak conducted other interviews and obtained Mr. Sheehan's personnel folder from the school department in particular Jay Foscaldo. As a result the case was sent to the District Attorney's office for review and they received a letter back from the District Attorney's Office stating that the statute of limitations for that particular crime had expired and no prosecution could be undertaken. Detective Sergeant Kozak again spoke with the victim and advised him of the District Attorney's response and mentioned that civil litigation may have been possible.

In May of 2000 Detective Sergeant Kozak left Foxborough's employment and became Chief of Police in the Town of Millis. They had changes in personnel and when Detective Sergeant Kozak left they did not have a Detective Sergeant in the office at that time and instead they had two Detectives, Brian Galver and Gene Bosquet. They were handling the case load and receiving general supervision from Lieutenant Paul Conant. They were handling crimes that were taking place on a regular basis and needed follow up.

In 2012 Chief O'Leary received a call from Superintendent Spinelli and she indicated that a number of her staff had made a disclosure about an incident and in particular it involved a teacher when he was in an elementary school and continued for some period of time as he progressed to a different elementary school and then even to the Ahern school. She mentioned the name of that particular teacher and Chief O'Leary recalled it from the investigation that Detective Sergeant Kozak had done because it was such a significant case the Chief could recall the name and he knew that Detective Sergeant Kozak had done a fairly extensive report on it. During this time Ms. Spinelli was trying to locate the personnel file on the teacher and had three different people looking for it. Unfortunately unbeknownst to everyone at the station Detective Sergeant Kozak had the folder but it wasn't included within the case folder that he developed. In going on from that the Chief asked Ms. Spinelli to contact the victim to have that person call the Detective Bureau and the Chief went into the Detective's office and spoke to Detective Thomas Kirrane. The Chief told Detective Kirrane what had occurred in terms of school involvement and he also asked him to take a look at any reports that would be in the folders from the 1990's that Detective Sergeant Kozak had handled about a sexual assault by a teacher. The Chief also contacted the Executive Assistant District Attorney to advise her of what had come forward and to make sure that they had information. At the same time after interviewing the new victim Detective Kirrane and the Chief had a discussion about the case and the Chief advised him to also contact the District Attorney's Sexual Assault Unit so that they could get assistance both from a legal point of view in terms of building a strong case as well as starting the process in getting some assistance from that office in the investigation which is a typical protocol when they have a sexual assault case utilizing the resources because of the complexity of many of these cases.

There was a meeting that took place between the District Attorney's Office and members of the State Police, Trooper Kathy Prince was the trooper that was assigned to the case and Detective Sergeant Kirrane had also asked if he could have the assistance of Officer Tim O'Leary who had been doing dual duty as a Detective and Youth Crisis Officer.

As a result of that initial interview with the District Attorney's Office there was a second letter. The second letter was written in 2001 and was addressed to Chief James Kozak at the Millis Police Department. There was no indication at all on that letter or any other letter that indicated that anything had come to the Foxborough Police Department. The nature of that letter indicated that there was a possibility that cases could be brought and would be outside the statute of limitation upon further review. That was the first time in August 2012 that Chief O'Leary had seen that letter that went to Chief Kozak who had been their Detective Sergeant but was known to be the Chief in Millis.

The investigation continued. Additional victims were interviewed and by the end of August they had what was thought to be a case to approach the District Attorney for a warrant. During that time period the Chief knew that both Detective Korraine and Officer O'Leary were both very reluctant to contact Florida where they knew that this person had allegedly moved for fear that he might hear wind of it and not knowing what investigators in Florida might be doing, and they didn't want to give word to anyone until they had warrants in place. On September 12th Detective O'Leary and Trooper Prince went down to Florida with an arrest warrant. Three

charges came about from incidents that occurred here in Norfolk County and they discovered that one of the sexual assaults actually took place in Bristol County.

They found out that the individual was not at his home when they arrived at the community and found out from his son that his Dad was actually in a secure facility due to a medical condition. The officers went to that facility; they observed him being fed by staff members. They talked to staff members as well as medical staff and found that because of his medical condition he appeared to be unaware of his surroundings. They had a conversation with the District Attorney's Office that afternoon and they District Attorney advised because of what their observations were and he was in a secure facility and would not necessarily be able to escape not serve the warrant until they could gather more information about the true status of his condition.

At a later time the District Attorney did hire a psychiatrist, subpoenaed the medical records and had the psychiatrist review the medical records. Because the matter became more of a public record with the attempt to serve the warrant more victims came forward and they learned additional information about the wide range of incidents that had taken place in three different areas. For example he was a boy scout leader. He became head of a troop of boy scouts here in our community as far back as 1965.

It was also learned that besides working at Cocasset River Park as the Swimming Instructor and overall head of that activity he had also started working with young people in Foxborough in 1961. Upon graduating from college he had worked over at the Lakeview Pond Swimming facility and some of the things that were learned was that they had victims in ten (10) different locations: The Center School which is now the site of the Town Hall, the Lewis School, the Burrell School and the Ahern School. Assaults took place at Lakeview Pond, Cocasset River Park and also an assault in England when the scouts took a trip, as well as a camp site that is located outside of Foxborough where the scouts would gather for jamborees and other activities.

Throughout the time period that the medical records were being done they continued to do interviews and they followed up on suggestions and the case was continuing.

When Officer O'Leary and Trooper Prince were there they actually did interview Mr. Sheehan's son. He allowed them to have access to the house where they took photographs to see if there were any times that would indicate someone collecting mementos which sometimes serial offenders do, but there was no visible evidence and although the son did talk to the officers he didn't indicate any knowledge of what the officers in particular were there for. It was at this point that they learned Mr. Sheehan was actually fired from the school system that he was teaching at in Florida and that his state teacher's license was suspended due to sexual activity that was reported to the school system by the Boy Scouts of America. There was no mention of Mr. Sheehan in any police agency in the community that he lived and worked and that the only mention was several years earlier than the visit when he was found to be wandering around in the community when a missing person report was filed and it was at that point they realized he had a medical condition that would cause him to at first be hospitalized, then put in a care facility and then a lock care facility because of that condition.

One of the people that was interviewed by Detective O'Leary was Phil Littlefield. Mr. Littlefield was the Assistant Principal in the 1980's at the Ahern Middle School where Mr. Sheehan had been a teacher. In particular they were asking to see if there was some particular reason why Mr. Sheehan had been let go by the school system. There was an article in the 1981 spring edition written by Jack Authalet about how sad it was that this person who had done so much for the community as a teacher, swim instructor and Boy Scout leader was leaving. In the article Mr. Sheehan reported being very dejected by the fact that Massachusetts school teachers were not well paid and he had decided to move to Florida. That information was verified by Mr. Littlefield who could not recall any disciplinary action being taken against Mr. Sheehan but Mr. Sheehan had started talking about moving to Florida earlier that year prior to submitting his resignation.

Mr. Sheehan had a long history in our community; he graduated from Mansfield High School in 1957. He went on to college in Missouri, Drury College which is located in Springfield. He is reported to have been a competitive swimmer and as part of his community outreach in youth ministry he taught young boys how to swim. He graduated from Drury with a degree in Ministry Studies and later that month he was hired as a lifeguard at Lakeview Pond. He continued that post right through the fall of 1980 working for the Recreation Department. In 1961 and 1962 he attended the Newton-Andover Theological Seminary and in May 1963 he was hired by the school committee to be a teacher at the elementary level, in particular the fifth grade at the Center School.

When he was first hired Mr. Sheehan lived in Mansfield. He moved to Foxborough at 81 Willow Street in 1963-1964 and became the head of a troop of boy scouts in 1965.

Mr. Sheehan was what they call an acquaintance molester. He used his position in the community to contact parents to make the parents feel comfortable with him and then would look for particular individuals within the student body, the youths at the recreation center and the youths involved in scouting to groom and actually seduce for lack of a better word with attention and affection, privileges, gifts until he could lower the victims inhibitions. Often again he had contact with the parents posing as somebody that was going to help their child and be friendly with them.

In terms of ongoing investigations although the District Attorney made a ruling because of his medical condition he was not competent to stand trial, the warrant was left open so that if there was any recovery at all of his capacity he could still be arrested and brought back for charges.

At this point from time to time the police still have victims self-reporting. The Chief was working at the stadium and a young man came up to him that grew up in Foxborough and wanted to tell him that he was one of Sheehan's victims and he had him contact Detective O'Leary and Detective O'Leary took his information which was very similar to the other young people that over a long period of time were molested by this individual.

In both instances the Police Department conducted a vigorous investigation of the allegations made by the victims concerning the sexual assault of children by William Sheehan. During the investigation of 2012, twenty-three (23) victims were interviewed, two (2) additional unrelated

issues were uncovered and another eleven (11) interviews took place with people that may have had information about the suspect. During the course of the investigation the Detective Division received additional support from the Norfolk County District Attorney's Office with the Massachusetts State Police that were assigned to that office and additionally this agency reached out for assistance from the Federal Bureau of Investigation in reviewing the investigation.

During the course of the interviewed victims shared concerns over other potential victims and gave names to staff members. The Detective team and this officer made a decision that they would not contact them out of respect for their feelings and their privacy.

There was extensive speculation that Mr. Sheehan left the community as a result of disciplinary action or threat of criminal charges. Although numerous people were interviewed there was no indication that anyone in the police department, school administration, scout leadership or town government were aware of Mr. Sheehan's pervasive criminal assaults on children.

Based on this factor it is critically important that we continue to educate children and parents about awareness of sexual predators, their behaviors and to educate them to take action by telling someone; be it a policeman, a community leader or school administrator. Our community has already taken initial steps in protecting one of our most vulnerable groups, children and as a community we must rigorously continue that effort.

Chief O'Leary stated that after some additional background information, some questions were raised about the letter. Chief O'Leary actually had two different conversations with Chief Kozak. The first one was when the case was opened up and he asked if he had any additional recollections of that particular case, the victim and the interviews he had done. He recalled that the case because of the statute of limitations couldn't go forward but he said he had done a thorough report on it and in reviewing the report he had.

The second conversation was on the discovery of the letter that was sent to his address as the Chief in Millis and he said he hadn't received any letter like that or he would have been over to see Chief O'Leary and the Detectives.

Chief O'Leary had worked with Chief Kozak for over twenty (20) years. They were patrolmen together for years on the midnight shift, he worked for him when he became Sergeant and he worked for him when he became Chief, first as a Patrolman, then a Detective and then a Detective Sergeant. He was a hard working officer and very diligent in his methodology of doing investigations.

During the entire time of the investigation there were constant rumors and suggestions about Mr. Sheehan, his activities and the potential that he was forced to resign. The Investigators tried to check a lot of those particular instances but in no case have they found that anyone either has come forward with information about a particular individual that could be substantiated and nor has anything happened to verify some of the speculations that have gone along in the community.

The other major player in this case was Detective Kirrane. Detective Kirrane was made a Detective in the late 1970's/early 1980's. He handled in particular a major school case involving a teacher here in the High School that had embezzled funds from student accounts. He went back on patrol for a short while in the 1990's and after Detective Kozak had left and the Chief had restocked the Detective Bureau, the Chief assigned him in there because of his investigative abilities and he continued in that role until his retirement.

Mr. DeVellis stated that the last couple of years he had a lot of communication with Chief O'Leary and Mr. DeVellis knew enough to stay out of the investigation as the last thing the police need is to have a Selectman tell them how to do their jobs.

From a Selectman's perspective when something like this happens you want to blame someone and when Mr. DeVellis found out that Mr. Sheehan was not going to come back; who do you blame. Mr. DeVellis and Mark Sullivan, who was a big advocate of this, tried to get this out to the public as much as they could through the Globe; Frank Mortimer from The Foxboro Reporter; through Cable Access; and through the Board of Selectmen (giving out their cell phone numbers and E-Mail addresses). What Mr. DeVellis was looking for is if there was someone out there (a parent, teacher or even a disgruntled employee); someone that would say I saw something or I was involved. Back in the day people just pushed people away and Mr. DeVellis is sorry for that but now 20-30 years later people might want to say something. Mr. DeVellis has been contacted by a lot of victims, a lot of parents of victims, teachers and other law enforcement people in Foxborough. What Mr. DeVellis has been looking for he just hasn't heard. No one has come forward and said "I knew something".

Mr. DeVellis believes that Mr. Sheehan did what he did very well; he kept it a secret.

One of the reasons that Mr. DeVellis wanted this report out and drafted was that it is a document now. If someone reads this they may say "look you're wrong I did come and nobody listened or I was given a letter that the District Attorney sent and I was asked not to forward it", this is a nice tool to do it. At the last meeting Mr. DeVellis stated where Mr. Sheehan came from, with the age of the internet someone could see it on line.

Mr. DeVellis would like this matter to stay open a little bit before it is finalized to give the public a chance to go to Chief O'Leary, Detective O'Leary, Detective Kirrane or someone they feel comfortable with and dispute it, add to it or make it complete. Unfortunately if that doesn't happen I think that it leaves the victims in purgatory. From the town's perspective we are doing and have done as much as they can to get people to come forward. It doesn't make them feel any better but they do have a great group of volunteers that they reached out to seven different parts of the community and they are very committed in training coaches, parents, teaches, anyone that wants to come and invest the time so that this doesn't happen again.

We live in a time where it is hard for it to happen again because people don't look the other way and they are more comfortable saying something than they did in the past. Mr. DeVellis believes Foxborough has come a long way. We can always do better. Mr. DeVellis was looking forward to this report and he was waiting for a "gotcha" or something to come out of it. Mr. DeVellis stated that during the time he has worked with Chief O'Leary it has been nothing but

professional. Chief O'Leary's staff is courteous. There is a fine line when people's names are involved and they were a victim because they don't want their names out there because they have children or are grandparents. That is a fine line to respect and Mr. DeVellis feels that Chief O'Leary has done it very well. We could have brought in the cavalry on this and turned over everyone's houses to get answers but if Mr. DeVellis had to do it again or make suggestions he doesn't know that he would have done anything differently and he thanked the Chief and Police Department for their professionalism and hopes that this is a good record.

It is nice when Foxborough celebrates when they do something good but when something happens in Foxborough that was bad Mr. DeVellis feels it is up to the Board of Selectmen where they have the control to say it was bad and this is our record and this is what we stand behind the good, bad and the ugly and this happens to be the ugly.

It has been said before that this town has never apologized to the victims and Mr. DeVellis has been thinking a lot about that and had a teacher, police officer, or someone under the town's employment had known even though it was thirty years ago and didn't say anything the Board is in the position to apologize on behalf of the town.

Mr. DeVellis certainly is sorry that it happened and is sorry on behalf of Foxborough that it happened. Mr. DeVellis thinks they can do their best to make sure that it never happens again and his heart goes out to the victims. Over the last couple of years Mr. DeVellis, Mark Sullivan and Lynda Walsh have spent a lot of time with the victims and he wishes he and the police could have done more.

Mr. DeVellis' final plea is if there is someone out there; lawsuits aside and let the chips fall where they may, if there is someone that can add to this report please do so because it is very important for the town to get this right and make this right for the victims.

Mr. DeVellis asked Frank Mortimer to print this in the paper and link it. Mr. DeVellis knows this is a little lengthy but they owe this to the town to get this out there and learn from it.

Mr. Gray thought Mr. DeVellis' summary was fantastic and he is glad that the Foxboro Reporter is going to publish this in its entirety.

Mr. Smith came before the Board to state that he could only speak on behalf of himself. In 1998 he is the one that came forward. He hopes the town understands and he thinks the survivors understand that their goal is prevention. Justice can't be given to them and they have to come to terms with that. This man will never pay for his sins so it becomes something else; it becomes prevention so that the Board's children and his grandchildren don't have to go through what he went through and what others went through.

Mr. Smith feels that this brings a level of closure and appreciates the heartfelt apology/sympathy. He did want to thank the town for doing this and feels it is a step in the right direction for him personally and he hopes for the other survivors of this.

Mr. Smith wanted to publicly thank Mr. DeVellis and wanted to shake his hand.

Mr. Smith knows as a committee, as parents and people that they do care about getting this right and he thinks that is exactly what the Chief is trying to do and hopefully that is what will come from this; that there won't be other children that are now forty-eight years old like Mr. Smith wondering how we could make things different 20-30 years ago.

Mr. DeVellis stated having sat with a lot of the victims in the back of his head since the beginning he said "where is this going to go; is this a money grabber, is this anger or what have you. Mr. DeVellis stated that all the conversations he has had is exactly what Mr. Smith had said. Mr. Smith is not on the committee but the people on the committee and the victims that come to the committee are all about making sure that it doesn't happen again and getting recognition that it is a problem and it shouldn't be a problem for someone's parents or grandparents or families. When Mr. Smith speaks I think that it is the voice of a lot of people that have come that are sincere on how do we make it so it doesn't happen again. Mr. DeVellis appreciates that because it could have gone in a lot of different directions. If Mr. DeVellis was on the other side he doesn't know what he would have done but he told everyone that there would have been a lot of anger; they have turned that anger into let's do the right thing.

For a population of 17,000+ to bring it to town warrant and not have one person vote against it and be the first in Massachusetts to do that, this committee has gone to the state and different groups and if there is example of something very, very bad turning into something very, very good this is it.

Mr. DeVellis knows the committee is set up to go year after year and he doesn't see anyone shying away from that. Mr. DeVellis thanked Mr. Smith.

Ms. Brue thanked everyone as well as Chief O'Leary and his staff.

There was a five minute break.

Ms. Brue welcomed everyone back to the Selectmen's meeting.

8:19pm – Waxy O'Connor's Change of Manager – Alfred Karnbach, Attorney Frank Spillane

Attorney Spillane stated that he was representing Waxy's Mass LLC d/b/a Waxy O'Connor's. There is a petition for a change of manager on the liquor license for Waxy O'Connor's located at 121 Main Street, Unit 210.

Attorney Spillane asked Mr. Karnbach to give the Board an overview of his background in the restaurant industry.

Mr. Karnbach gave the Board a brief history of his background.

Mr. Karnbach came to Waxy O'Connor's about seven (7) months ago and opened the Plainville, CT Waxy O'Connor's and from there he was asked to come to Foxborough to take over the operation here.

Mr. Gray asked if Mr. Karnbach was coming to Foxborough to bring experience and try to bring stability to the Waxy O'Connor's operation. Mr. Gray asked if this was a temporary assignment. Mr. Karnbach stated yes, he would be here for six to twelve months. His plan is not to be here forever. Mr. Karnbach stated that he is taking over as Director of Operations for Waxy O'Connor's; he will be running all of the Waxy O'Connor's in the New England market. Mr. Karnbach's job is to stabilize the restaurants and get them all running the right way. Mr. Karnbach agrees there is an opportunity in Foxborough but with his background he is the perfect fit to come in and straighten it out and turn it into more of a restaurant pub as opposed to a bar.

Mr. Gray stated that the plan is in 6-8 months Waxy's will be introducing a new manager for the license. Mr. Karnbach stated yes. They have interviewed some general manager candidates but Mr. Karnbach is not satisfied with any of them. Anyone that is going to come in has to have a little bit of a corporate background. That is where Waxy O'Connor's is going; trying to be a more respectable restaurant company as opposed to a mom and pop operation.

Ms. Brue asked how long Mr. Karnbach would overlap with a new manager. Mr. Karnbach stated typically thirty days. Mr. Karnbach will work with them for thirty days until he feels they are comfortable with the environment. Even after Mr. Karnbach is gone he will be in the restaurant once a week to every ten days.

Mr. DeVellis stated that Mr. Karnbach's experience was in Florida and Connecticut. The liquor regulations in Massachusetts are complicated and asked if Mr. Karnbach was familiar with the Massachusetts regulations and the local regulations. Mr. Karnbach stated that yes, Massachusetts regulations are pretty similar to Connecticut regulations.

Mr. Karnbach is TIPS Certified in Massachusetts.

Mr. DeVellis stated that what has been on his mind having sat through the last manager application a year ago. It is a similar thing, its new management, we are not going to be a bar, better food and better service and change our ways. Moving into this business that you are not familiar with and managing it have you taken the time to find out what you are replacing, why you are replacing it and what you are getting yourself into.

Mr. Karnbach stated that he has actually spent quite a bit of time in the Foxborough location and he is the one that terminated the general manager that was there. Mr. Karnbach agreed with Mr. DeVellis, it needed to be run like a restaurant, not a saloon. Mr. Karnbach does know what the opportunities are in that location and he knows who the players are.

Mr. Karnbach knows that Waxy O'Connor's has had a history in the past. They have five (5) pubs in New England and not one of them have ever had a liquor violation except Foxborough and they have had two (2). Mr. Karnbach doesn't believe it is the culture of the company, he

believes it was mismanagement or the management per se that was there and those players are no longer with the company. The culture has already changed.

Mr. DeVellis stated that there was a violation by the ABCC separate from the Board and reading their findings an interesting point they were making was it is in an area where there is not a lot of public transportation and taxis are rather spotty. At the end of the day you are a bar and late at night when the patrons leave how do you address that in an area where you don't have public transportation.

Mr. Karnbach stated that in the past he has offered to drive people home himself. They will do what they can. They will call a cab for people and pay for it. Mr. Karnbach has no problem if a person is abusive, he will call the police, they are right across the street. They don't want anyone getting hurt. They don't want to serve anyone excessively.

Mr. Feldman asked how Mr. Karnbach thinks he is going to get the staff to buy into his program (starting over, is it ongoing training). Mr. Karnbach stated ongoing training for sure but the staff at that restaurant are actually pretty good. They are good people they just need someone that is going to lead them in the right direction. Mr. Karnbach stated that he is a no nonsense businessman and he has children also that he does not want driving drunk and he has no problem replacing an employee if they are not going to buy into where they want to go with this. They have already lost people because they know this is not going to be a saloon.

Mr. Karnbach stated that he does talk to his people constantly and his plan is to increase the management presence on the floor in that building so if they are walking around and they see someone that they don't think they are comfortable with at any time he will demand to see identification from that person and if someone can't come up with an id then that employee is terminated immediately.

Mr. Karnbach believes that management presence increased on the floor is important and talking to the staff constantly. Mr. Karnbach has bartender meetings once a month as well where they talk about other issues but one other issue is not serving minors.

Mr. Feldman stated that enforcement at the point of sale is critical.

Ms. Coppola asked if he is the troubleshooter for Waxy O'Connors. Mr. Karnbach stated yes.

Ms. Coppola asked if that meant he would be at the Waxy O'Connors only for the six to eight months and that is the only place he is going to be. Mr. Karnbach stated that he still lives in Connecticut and will be moving to Pawtucket, Rhode Island but Waxy O'Connors will be his primary location five (5) days a week. Mr. Karnbach stated that he will be at Waxy O'Connors until they find a suitable replacement.

Ms. Coppola stated that when corporate brings someone in to clean up usually the person they bring in is pretty good and they do a good job cleaning up and she really hopes this works out.

Mr. Karnbach stated that when he came on board at Waxy O'Connors he had spoken with the owners and they asked him to take on more responsibilities and he insisted that he wouldn't unless they listened to what he had to say about running saloons; if they wanted to continue to run saloons he was not interested. The ownership has agreed and that was part of the deal with Mr. Karnbach coming on board and coming to Foxborough was that they needed to let him do what he needed to do.

Mr. Karnbach agreed with what the Board was saying that it isn't responsible vending if they were going to run a bar. They are increasing the food mix. They brought in another chef and changed the menu and focusing more on food. They are also going to do more outside activities in the community to make sure that people understand that they are a restaurant not just a pub.

Mr. DeVellis stated that he went back and looked at the cable access and what Mr. Karnbach said was verbatim what was said a year ago; new food, new management and a new way of doing things. Between that story and this story what went wrong. Mr. Karnbach stated that he wasn't here. He needed some assurances. Mr. Karnbach stated that he could only tell the Board his track record is there and he wasn't there a year ago.

Mr. DeVellis asked if the owner and manager above Mr. Karnbach changed anything. Mr. Karnbach stated that they are stepping out of the operation a lot more and that was part of the deal that Mr. Karnbach would come in and help with the operation contingent that they back off and let Mr. Karnbach run the operation.

Attorney Spillane stated that when Mr. Karnbach talks about the people having to leave, he is talking broad based. When Waxy O'Connor's was before the Board a year ago TJ was brought in to improve the food and he did and that. Attorney Spillane stated that it was his understanding that some of TJ's weaknesses were on the monetary part of it. It was not just alcohol related per se, it was his overall performance.

Ms. Brue stated that is the Board's number one concern, public safety. They have unfortunately a lot of OUI's happening in Foxborough and it is a concern that they have across the Board. They appreciate that Mr. Karnbach will take that extra effort to bring some new controls into place.

Mr. DeVellis wanted to make a suggestion since they have been through this before.

Mr. Gray asked if Waxy O'Connors is still submitting quarterly reports. Attorney Spillane stated no, Kevin Paicos stated that they didn't have to do it anymore.

Ms. Coppola asked if they had never submitted quarterly reports in accordance to the settlement agreement that everyone had signed. Attorney Spillane stated no. Attorney Spillane asked Mr. Paicos on a number of occasions wanted to know if they had to come in front of the Board because they had never originally did and if he wanted the quarterly reports and Mr. Paicos indicated each time no. Attorney Spillane further stated that when Mr. Cutler became acting town manager Attorney Spillane spoke to him one time about it and Mr. Cutler indicated to him that they did not have to submit the reports.

Ms. Coppola stated according to the settlement were those reports supposed to be ongoing in perpetuity or was there a deadline. Attorney Spillane stated that it was at the discretion of the town manager; that is how it is written in the settlement agreement. Attorney Spillane stated that Mr. Paicos told him that they didn't have to continue doing it and that he would bring it to Attorney Spillane's attention if he wanted to see some reports.

Ms. Coppola asked under the new town manager is that something they could resume or once Mr. Paicos stopped it did that end the requirement. Attorney Spillane stated that if the town manager asked them to do some reports Attorney Spillane feels comfortable doing it but he would like to have it on an ongoing basis if things are working out to eventually stop it and if they are not they will continue doing it.

Mr. Keegan stated that he is supportive of Mr. DeVellis' suggestion and Mr. Keegan is actually in support of Mr. Karnbach coming back in three months because given the nature of what has gone on recently and given the fact that Mr. Karnbach is not familiar with the operation, he will see a lot of things happen in three months and will be able to report back to the Board on the progress of that. It is easy to forget what has happened during a six month period.

Mr. Gray asked if Mr. Karnbach has been with the operation for some time. Mr. Karnbach stated yes, he has been there for two weeks to really get to know the staff and know the operation and then Mr. Karnbach is in there at least once a week if not twice a week right now. Mr. Gray asked if he was not the day-to-day manager today. Mr. Karnbach stated no. Ms. Coppola asked when he would start being the day-to-day manager. Mr. Karnbach stated Tuesday.

Mr. Keegan stated that the Board has an agreement that states every quarter at the recommendation of the town manager that the person come back and report so that will still effectively be in place.

Attorney Spillane stated that they will voluntarily do it he just would suggest at some point if things are going well the town manager can say they don't have to do it anymore.

Ms. Coppola stated that the problem with that is they stated that they are not required per the former town manager to do the quarterly reports and Waxy O'Connors is before the Selectmen again because they flunked a sting.

Mr. Keegan stated that the Board of Selectmen signs the license so with respect to this piece Mr. Keegan thinks doing the quarterly reports is a good thing.

Mr. DeVellis asked Attorney Spillane what the concern was about conditioning. Attorney Spillane stated that if the Board approves Mr. Karnbach for a six month period he is afraid the ABCC will say no you either approve the person or you don't. You don't approve someone for six months and then they are off the liquor license that is Attorney Spillane's only concern.

Mr. DeVellis understands the concern of messing up the ABCC's system and he gets the concern of the three violations that he has experienced since he has been on the Board plus the fourth that

the ABCC has experienced so if he balances the two he would rather have the ABCC get upset about it or have the extra paperwork in six months.

Ms. Brue stated that she thinks having the quarterly reports where the Board will have ongoing interaction with Waxy's the Board should be able to see from those reports if they are to the Board's satisfaction. Ms. Brue isn't sure what it accomplishes by making this only for six months. This is the job that Mr. Karnbach is here to do and it's either going to work or it's not and Ms. Brue doesn't think by putting a timeframe on it changes that because the stings will continue and the Board will have the feedback so if it is not working the Board has the option to have a hearing as to why it is not working.

A lengthy discussion ensued about approving the new manager for only six months.

Mr. Gray stated that he doesn't agree with conditioning the approval. Attorney Spillane has been in the community forever and he can take him at his word that he will come back and submit the reports.

Mr. DeVellis stated that the license is not up for discussion tonight, it is the manager. The reason that he said six months was that it takes a while for things to change and three months he doesn't think it is a good witness test. He believes six months the bugs will get worked out and if there are issues maybe they will show up.

Ms. Coppola stated that Mr. Karnbach has a very tough job if the Board approves him as the manager because there is a lot going on in Waxy's that has to be fixed. Ms. Coppola stated that the Board's names are on the license just like the manager's and they have a concern.

Mr. Karnbach reiterated that he was not here a year ago. Mr. Karnbach stated that he is a man of his word and he is here to fix the situation. He has identified what the opportunities are and he knows how to fix them.

Mr. Feldman stated that he has no problem making this conditional. The problem comes with Mr. Karnbach is going to be here six to eight months and they will be right back with another manager, does the Board condition that as well. The Board will have a conditional licensee and then in six months they will be doing the same. Mr. DeVellis stated that in six months if it doesn't get better then the answer is no. If things are stellar maybe the condition goes away.

Attorney Spillane stated that by Mr. DeVellis' own definition things are going to get better if there are no violations so the Board will know by their own definitions so that will be an easy thing to gage.

Attorney Spillane stated that the blame is shared. The employee has some of the blame but the ownership and management absolutely have some of the blame and they stated that last night. The employee was fired because that is pretty much a requirement that you fire an employee who serves an under-aged individual and that comes from this Board. The first question you hear from the town is was the employee fired so of course that is going to happen. Ownership absolutely takes responsibility for it. They realize that and Mr. Karnbach sitting beside him is an

indication of that because they started looking for a new manager and went through that process twice and decided that they did not find someone good enough to bring in so they brought Mr. Karnbach up from Connecticut to really troubleshoot it.

Some of the issues that Mr. Karnbach talks about aren't all liquor related; it is also financial and it is also how it's run as a restaurant for profit purposes. The service of alcohol is one of the issues. What it was before Attorney Spillane got involved and where it has gotten since it has improved.

Mr. DeVellis will meet them halfway and Mr. DeVellis' motion will be to approve it for six months, come back and then if everything is fine we move forward. If there is extra paperwork or agitation from the ABCC so be it but.

Ms. Coppola stated that Waxy's does need a manager because they do not have a manager of record so what they need to do is get a manager. Ms. Coppola asked if they were worried about this going to the ABCC with six months because that will be like a red flag to the ABCC that maybe the town doesn't have confidence enough in the selection of the manager of record. Attorney Spillane stated that he is concerned that they will say you either approve him or you don't approve him. You don't approve someone for six months.

Ms. Coppola asked exactly what would be in the quarterly reports. Mr. Karnbach stated that education to the staff is the most important thing. Making sure that there are meetings with the staff. Mr. Karnbach could document the meetings and bring the documentation and meeting notes with him. That's what is going to do it. You have to have management presence, meetings with the staff, a list of who people that were at the meeting, a list of dates, when they are, what to discuss. Mr. Karnbach believes that's the way to fix this.

Mr. Gray stated that the Board is looking for evidence that the culture is changing in a positive way. Records of training don't capture that. Mr. Gray stated that it could be customer surveys and things beyond training. The Board is looking for systemic changes, and that they can show evidence of those changes and that they are actually working to create a better culture. The Board will leave that up to Mr. Karnbach as to how he will structure it.

Motion made by James DeVellis to approve the new manager of record submitted by Spillane and Spillane for a period of six months and within that six months have the manager come back to update the Board and if there are no violations then it turns into a formal full approval. Seconded by Virginia Coppola.

Mr. Gray stated that he was going to vote against this because he doesn't think that this appointment needs to be conditioned.

Ms. Brue stated that she is also going to vote against it because she agrees, she doesn't think it should be conditioned like that.

Mr. Gray stated that he thinks it is a separate issue with the penalty phase that the Board is going to be dealing with next week that is when this should be addressed.

Mr. Feldman asked how it would even be put on the application that it was conditional. Attorney Spillane stated that it is Form 43 which is a cover form that is sent in by the Board of Selectmen and there is an area where you could put an attachment indicating the conditions.

Ms. Coppola asked what the process would be regarding the ABCC if they did not approve of the Board's decision (who would they notify, would there be more costs involved, would Waxy's be put on as another agenda item to possibly approve without stipulation, etc.). Mr. Keegan stated normally if the ABCC has a problem with an application or a decision they will remand it back to the town for further consideration and they will usually include their consideration as to what their concerns were.

Vote 3-2-0 with John Gray and Lorraine Brue opposing Mr. Gray stated that he considers these two processes totally separate and the Board will deal with where Mr. DeVellis wants to go next week. This is simply because Waxy needs a competent manager and needs one very soon so Mr. Gray is not against this manager he is against the condition on his appointment.

Ms. Brue stated she is in favor of Mr. Karnbach as the new manager and felt this is a separate issue from the liquor violation.

Mr. Keegan stated that the language on the Form 43 is going to be important so Mr. Keegan thinks they want to note that the Board is in support of the candidate but that appointment has a condition based on an evaluation of the establishment.

9:20pm – RFP Town Counsel

Ms. Brue stated that they all received proposals from the firms that applied and tonight the Board wants to talk about the process they are going to go through to come up with the finalists who they will then bring in for an interview.

Each of the Board members gave a brief description of their process in creating a spreadsheet to track the comparable categories.

Mr. Keegan asked if there were any other thoughts about the evaluation.

Mr. DeVellis stated that in the RFP Mr. Keegan had said that Foxborough is served by a lot of volunteers and you would be reaching out to department heads or different people in the community. Mr. DeVellis asked if Mr. Keegan was looking to review all of those eight and come back to the Board with a recommendation after checking references and all that stuff from Mr. Keegan's perspective.

Mr. Keegan stated that it would be easier for Mr. Keegan to read the documents, come up with a recommendation and then he will do evaluations of all three of those and they can give the Board perspective on that.

Mr. DeVellis stated that the matrix they are going to combine from the one that you did and the ones that we have is three a good number, is the Board comfortable with that. They will do whatever the matrix comes out with and they will pick the top three. Mr. Feldman stated that each of them should rank their three. Mr. Keegan stated yes and then come back to the meeting tell Mr. Keegan what those three are and Mr. Keegan will find out what the final numbers are and then Mr. Keegan will do some further checking on those and will come back with a report on each of those.

Mr. Gray thought this was best because if he was going to check references they should narrow it down first otherwise you are wasting effort on folks you aren't going to talk to. Mr. Keegan stated and then they can have them in for an interview.

Mr. Gray asked if the timeline for interviews is still January. Mr. Keegan stated that they had talked about January. Mr. Keegan felt it was a good timeframe and that they could possibly push it to the first of February but if they can get it done they probably should try because they want to leave some lead time. The idea was to try and push it to March 1st. Ms. Brue asked if they could do the interviews the second meeting of January. It would be the discussion of narrowing the field the second meeting in January and then have a separate meeting the last Tuesday in January just for those interviews only. Mr. Keegan agreed that they would want to do just one meeting for interviews.

Ms. Brue stated that it would be the 20th that they would come forward with their choices and then have the 27th interviews. Mr. Keegan stated that he will provide the Board with a report from the day that the Board gives him their three choices and he will give it to them all and then the Board will have it prior to the interviews.

The Board discussed the process of where to put the attorneys picked while awaiting their turn without them having access to the live cable coverage.

Ms. Brue asked Mr. Keegan if he could help them with a script of questions. Mr. Keegan stated yes.

Ms. Coppola asked Mr. Keegan to send a memo to the boards and commissions and anyone in town and give them the names of the eight firms and ask them if they could comment on their experiences with them if they have had experiences with them. Mr. Keegan asked if they want to do that before they narrow the field or after. Mr. Feldman stated that they should narrow the field first.

Ms. Coppola stated that it is very helpful to find out because what is said before us and what is sent on paper the experience of a board could be totally different. Mr. Gray stated that they can go through the interview process and then Mary Beth can do the references and then you can do your own diligence.

Mr. Gray stated that could be disseminated.

Ms. Bernard stated that the Board could end up with a very different finalist group based on a board's opinion rather than this board's opinion.

Mr. Keegan wanted to be clear if they wanted him to take the list of all eight candidates and circulate that or just the final three.

Ms. Brue stated maybe just the final three.

Mr. Keegan stated that he can ask these are the final three candidates that the Board is going to interview for town counsel have you had any experience with these candidates positive or negative please submit your comments.

8:55pm – Town Manager Update

Mr. Keegan stated that the Finance Director has provided him with an update on the Senior Tax Work Off Program that credits have been applied to the 2015 third and fourth quarter tax bills totaling \$16,523. This reflects a gross amount earned of \$19,464 with the difference being required federal holdings. A total of twenty-one (21) seniors will be receiving an average of **\$387** in credit on their tax bills. This is higher than the \$750 maximum credit applied in previous years. However, participation is off by 40% this year. We would like seniors to know that the program is still available to them and it is working for those participating in the program.

At the annual town meeting this year voters agreed to raise the maximum credit from \$750 to \$1,000. This now allows the required federal withholdings to not reduce the amount seniors have been used to receiving and actually results in a slight increase to their credit.

Mr. Keegan stated that they wanted to thank Lisa Sinkus, Treasurer Collector, Vicki Lowe, Director Council on Aging and Hannelore Simonds, Director of Assessing and their staff successfully administrating the program under the new federally required program which has obviously has added some level of complexity to the way it is being administrated.

The abatement has been applied to the real estate bills for \$16,523.

Mr. Keegan stated that they had a very good discussion on the central maintenance program in developing that for the upcoming budget process. Everyone right now is in the process of developing their FY16 spending plans and they had a good round table discussion with all of the facilities that would be affected by the central maintenance program and the various key players in that process.

That is going to be a reality and part of the process in terms of the budget process. Today was another step in the right direction towards achieving that. They expect that this will be a phase program where they are looking at general maintenance improvements over the first year; looking at custodial staffing issues over the next year and certainly capital improvements as well over the next few years. That is typically how it is done, it is phased in over a period of a couple of years because there is a lot to do in the first year. They are very pleased to see this program progressing as it did.

They have been working a lot on collective bargaining and Ms. Bernard and Mr. Keegan have been spending a lot of time at the table working with the Dispatch group and they are meeting with the Firefighters tomorrow and met with the Steelworkers which is the new town hall group today for a couple of hours and they have other meetings scheduled for them in January and working towards hopefully reaching an agreement and DPW last week.

They have had a lot of applicants for the replacement of Sandra Herrmann's position, the Executive Assistant in the office and they will be talking about that tomorrow. They have up to this point 300 applicants for that job.

They are moving along pretty well at this point. It has been pretty hectic, they have had a lot of meetings scheduled. Not to lose any momentum of course is the town hall project which they are moving forward on that as well.

Mr. Gray asked if anything was going on with the trash front. Mr. Keegan stated yes, on that point they hoped they would be starting January 1st with the transition from Dooley to take over the Russell contract, unfortunately they were not able to reach an agreement as to how that was going to play out until June 30th. In the meantime it is a good time for them to plan for that transition and Mr. Keegan wanted to inform the Board that they have received a Technical in Kind Assistance Grant from the DEP on trash related programs and how they can actually help formulate this program with the prospective contractor in working those things out. Mr. Keegan has had a good conversation with Mr. Dooley about that and he is willing to participate with this as well.

Ms. Brue asked if they could start a discussion on warrant articles at the next meeting.

Mr. Keegan stated that they have a number of issues that they have talked about up to now. There are a number of items that the Board has talked about that you wanted to try and see if you could get something on for discussion for the annual town meeting warrant. Maybe focus subgroups that could maybe help us formulate some of those warrant articles.

Ms. Brue also wanted an update on the Personnel Wage By-Law Group. Mr. Keegan stated that this group has been meeting and are meeting again tomorrow night. Ms. Bernard stated that they talked about handing out pieces of the Personnel By-Law based on areas of interest and they have a list of recommended changes that another committee had done last year and they are looking at those so they talked about dividing and concurring pieces of the Personnel By-Law whether they be different policies or compensation strategy, those types of things. Tomorrow night they are going to start approaching that. They definitely appreciate participation from this Board on the committee to look at the Personnel By-Law changes.

Action Items

Motion made by Virginia Coppola to approve the acceptance of a \$500 donation to the Council on Aging by the National Council on Aging for the Aging Mastery Program. Seconded by John Gray. **Vote 5-0-0**

Motion made by Virginia Coppola to approve the acceptance of a \$25 donation to the Council on Aging from Mildred Greene in memory of Alice Murphy. Seconded by John Gray. **Vote 5-0-0**

Motion made by Virginia Coppola to accept a Formula Allocation Grant for \$25,824 from the Executive Office of Elderly Affairs to the Foxborough Council on Aging. Seconded by John Gray. **Vote 5-0-0**

Motion made by Virginia Coppola of the acceptance of seventeen (17) family passes from Winter Skate at Patriot Place to the Recreation Department. Seconded by John Gray. **Vote 5-0-0**

Motion made by Virginia Coppola to accept a donation of \$95 to be used for a future Recreation scholarship from the Friends of Foxborough Recreation. Seconded by John Gray. **Vote 5-0-0**

Motion made by Virginia Coppola approve the payments to Aggregate Industries for \$10,351.03 for paving Carlton Lane and Clarendon Way. Seconded by John Gray. **Vote 5-0-0**

Motion made by Virginia Coppola to approve the One Day Beer and Wine licenses for the Orpheum Theatre for Friday, December 26, 2014 and Saturday, December 27, 2014. Seconded by John Gray. **Vote 5-0-0**

Motion made by Virginia Coppola to approve the One Day Beer and Wine license for Wednesday, December 31, 2014. Seconded by John Gray. **Vote 5-0-0**

Motion made by Virginia Coppola to approve the three (3) One Day All Alcohol licenses on either January 3, 2015 or January 4, 2015; January 10, 2015 or January 11, 2015; and January 18, 2015 the playoff dates and times to be determined. Seconded by John Gray. **Vote 5-0-0**

Motion made by Virginia Coppola to approve the acceptance of the \$10 donation to the Foxborough Historical Commission to be used for the Restoration of the Civil War Soldier Statue. Seconded by John Gray. **Vote 5-0-0**

Motion made by Virginia Coppola to approve the acceptance of \$1,192 by the Historical Commission to be used for the Restoration of the Civil War Soldier. Seconded by John Gray. **Vote 5-0-0**

Motion made by Virginia Coppola to approve the meeting minutes of October 21, 2014 as written or as amended. Seconded by John Gray. **Vote 5-0-0**

Motion made by Virginia Coppola to approve the meeting minutes of October 28, 2014 as written or as amended. Seconded by John Gray. **Vote 5-0-0**

Motion made by Virginia Coppola to approve the request for early Sunday openings for Demetri's Red Snapper for Patriots 1:00pm home games and Easter, April 5, 2015, Mother's

Day, May 10, 2015, Father's Day, June 21, 2015 at 11:00am. Seconded by John Gray. **Vote 5-0-0**

Motion made by Virginia Coppola to approve the request by Demetri's Red Snapper for extended hours of operation on New Year's Eve, December 31, 2014 for a 2:00am closing with no alcohol service after 12:30pm. **Vote 5-0-0**

Motion made by Virginia to approve the following licenses effective January 1, 2015 and expiring December 31, 2015:

- (26) Common Victuallers Licenses Non-Alcohol Restaurants
- (26) Common Victuallers Licenses for All Alcohol Restaurants
- (3) Common Victuallers Licenses for Wine & Malt Restaurants
- (3) Innholders Licenses All Alcohol
- (23) Restaurants 7 Day All Alcohol Licenses
- (3) Restaurants 7 Day Wine & Malt Licenses
- (2) Club Licenses All Alcohol
- (1) Service Club License All Alcohol
- (4) Package Stores All Alcohol Licenses
- (5) Package Stores Wine & Malt Licenses
- (36) 7 Day Entertainment Licenses
- (18) Sunday Entertainment Licenses from the Commonwealth of Massachusetts
- (8) Automatic Amusement Device License Establishments
- (1) Exhibition, Show or Amusement License – Movie Theater
- (4) Class II Auto Licenses
- (11) Class II Auto Licenses
- (1) Class III Auto License
- (7) Taxi Cab Licenses

Seconded by John Gray. **Vote 5-0-0**

Motion made by Virginia Coppola approve the Common Victuallers application for Foxboro Sports Center to expire on December 31, 2014. Seconded by John Gray. **Vote 5-0-0**

Mr. DeVellis stated that under "Information" there was a letter from National Grid talking about the vegetation management activities. Before Mr. Keegan's time when the town had all the power outages the Board had talked about the union loop and tree clearing from ground to sky and Mr. DeVellis would like to have a representative from National Grid come in and give the Board an update on the union loop and then basically the tree maintenance in town and their vendors and how they are working with DPW before there is an issue.

Ms. Brue asked if this also went to the Conservation Commission for their information purposes and Mr. Keegan stated yes.

Mr. Keegan informed the Board that they had a ministerial act just to sign an agreement which they merged, the DPW agreement so there were a number of memorandums. Everything has

been approved and there is no changes to the contract they just merged all the contracts into one contract so they need the Board to sign that. There is no act for the Board to take it is just to resign it.

Ms. Bernard stated that these are past already approved labor contracts that labor counsel and the union agreed to so the union members have signed and they just need the Board to sign.

Ms. Bernard stated that they had started DPW collective bargaining this week and they were dealing with four (4) separate Memorandums of Agreements so they agreed to the changes so they could start the next round of collective bargaining with one document.

Mr. Gray stated that the Board would like to read it and sign it next week.

Ms. Coppola stated that under “Information” they have a letter that Mr. Keegan sent to Mr. Mohler of MassDOT regarding the questions that the Board had asked has Mr. Keegan gotten any response back. Mr. Keegan stated that he has not gotten a response back. Mr. Keegan will make a call to him tomorrow to see what the status is. The Town of Walpole is also sending him questions because they had questions at their meeting also.

Motion made by John Gray to adjourn at 10:00pm. Seconded by Virginia Coppola. **Vote 5-0-0**