

TOWN OF FOXBOROUGH  
SELECTMEN'S MEETING  
MINUTES  
SEPTEMBER 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  
Mr. Robert Siteman, Chairman, Veterans Advisory Committee  
Mr. Randy Scollins, Finance Director  
Ms. Sharon Wason, Town Planner

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

A motion to enter into Executive Session at 6:45pm and to return to regular session at the conclusion was made by Mr. Gray. Seconded by Mr. DeVellis. The motion carried 5-0-0.

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

Ms. Brue reviewed the agenda.

**7:20pm – Citizen's Input – Mr. Robert Siteman, Chairman, Foxborough Veteran's Services Advisory Committee**

Mr. Siteman came before the Board informing them of the 4<sup>th</sup> Annual POW/MIA Remembrance Day being held on September 19 & 20, 2014.

Mr. Siteman stated that the third Friday of every year is POW/MIA Remembrance Day. They are commemorating this here in Foxborough over the course of two days. It will start Friday, September 19, 2014 at 4:00pm as a 24 hour vigil of what is called the "Missing Man Table".

Foxborough has set up a mock one and have a 24 hour vigil around that.

The vigil is usually in 2-4 person shifts. This is open to active military veterans, cub scouts, boy scouts, girl scouts and this year it is being opened up to general citizens. This will end on Saturday, September 20, 2014 at 4:00pm. Anyone wishing to sign up for one of the shifts may call Mr. Siteman. When the vigil ends there will be a ceremony Saturday, September 20, 2014 at 4:00pm at the bandstand on the Common.

Mr. Siteman extended a formal invitation to the Board of Selectmen and the Town Manager to attend. Mr. Siteman was hoping that one of the Selectmen would make welcoming remarks to the citizens welcoming them to the event.

Ms. Brue thanked Mr. Siteman for the invitation and stated the Board would do their very best to be there and that she would be happy to make some remarks.

**7:27pm – Selectmen’s Update** – Ms. Brue informed everyone that this Saturday, September 13, 2014 from 11:30am to 3:30pm is McGinty Family Fun Day. Ms. Brue had spoken to Chris Mitchell earlier and he said it would be a great time. There is a lot more forms of entertainment coming forward so there will be family entertainment, food and something for everyone to do. Ms. Brue invited everyone from town to attend.

Ms. Brue also informed everyone that there is a Joint Meeting on Wednesday, September 10, 2014 at 7:00pm with the Board of Selectmen, Advisory Board, Planning Board and Sign By-Law Review Committee on the Billboard By-Law. They will be reviewing suggested changes to our existing general by-laws. Anyone wishing to attend may do so.

Ms. Brue asked everyone to take a moment this Thursday, September 11, 2014 to reflect on our country and all of those that protect us and serve us.

**7:30pm – Items Not Reasonably Anticipated By The Chair 48 Hours In Advance of Meeting** – Mr. Keegan stated that Splitsville/Howl at the Moon submitted a request for Sunday Early Openings for serving Alcoholic Beverages at 11:00am during all of the 2014 New England Patriots Home Games starting at 1:00pm.

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

**7:35pm – New Assistant Town Manager - Mary Beth Bernard** - Mr. Keegan introduced the Board to Mary Beth Bernard the new Assistant Town Manager starting on October 6, 2014.

Mr. Keegan informed the Board that Ms. Bernard was the successful candidate in a recruitment process that spanned July and August. She was among 100+ candidates who applied for this position.

Mr. Keegan explained to the Board the recruitment process that occurred when narrowing down the candidates.

Mr. Keegan informed the Board that Ms. Bernard has been the Human Resource Director for the Town of Westwood for almost eleven (11) years and has performed many other duties outside the realm of personnel management for the town (serving on various building committees, special topic committee studies as well as being a Member of the Town of Westwood’s Executive Leadership Team).

Mr. Keegan gave the Board a brief summary of Ms. Bernard's professional/academic history.

Each of the Board members welcomed Ms. Bernard and wished her well.

Ms. Bernard stated that she was thrilled about starting work in Foxborough.

**7:50 pm – Sharon Wason, Town Planner – RFP Town Owned Properties** – Ms. Wason thanked the Board for seeing her this evening and stated that she has been working with Mr. Keegan on an RFP to sell the existing firehouse on the Common and the adjacent Keating Funeral Home that the Town acquired through tax title.

Ms. Wason stated that altogether the lot is only a little over a ½ acre of land (49' and just over 90' in the rear) so it is a very long and narrow piece of land.

Ms. Wason stated that when the Planning Board was developing the Foxborough Center Overlay District there were a number of components to that article, it is sort of a catch article having to do with things downtown. One of them was the brew/pub article to allow a brew/pub downtown to produce beer and sell it on site.

Ms. Wason stated the question is should we keep the existing fire station, or is it important that whatever replaces it fits appropriately on the site. Ms. Wason spoke with the Planning Board and their sense was that the new overlay district which has even fewer setbacks than the general business district allows more uses with the tradeoff being that there is some design criteria that you have to adhere to. This would be an ideal site to use that new by-law on.

Ms. Wason stated the fire station is a nice building but it doesn't quite rise to that architectural specialness. Ms. Wason wanted to get a sense from the Board whether the building itself is important or something could be built there that fits and is appropriate.

Mr. Gray asked if Ms. Wason was asking if the Board would allow for the possibility of a developer coming in and giving them the option on whether or not to keep the existing building.

Ms. Wason stated yes.

Mr. Gray stated that he has no problem with that.

Ms. Wason stated that her final paragraph suggests that maybe in the RFP we want to really encourage them to use the new by-law and in fact do something sufficiently dense and appropriate with the site.

Ms. Wason found several communities that had a 2-step process. The first step was "tell us what you would like to do there and we will invite three or four of you to give bids based on whether we like your concept". Ms. Wason stated that this is something that she could explore with Mr. Keegan a little more.

Mr. DeVellis stated that he has seen it work very well in other towns.

Mr. Keegan stated that clearly what we want to do is find something that will enhance what is already there and bring out the best of what is there.

Mr. Feldman stated to develop this site you are going to need to think outside the box but to do that, the less restrictions that we put on the proposal the more you will expand your pool of potential developers.

Ms. Coppola liked the idea that Mr. DeVellis and Mr. Feldman had about opening up the RFP because this parcel is really going to be the beginning of the redevelopment of the downtown area.

Ms. Brue asked Ms. Wason if we would be tied in any way to the highest bidder situation.

Ms. Wason stated that the property would but that is why some towns have done a 2-step process. This entails:

1. Tell us how you would develop the property
2. Ask 5 or 6 of them to give us a bid (then you don't have to take the lowest bidder)

Mr. Keegan asked Ms. Wason what the timeframe would be on this. Ms. Wason stated that she wants to get it done and now that they are finished with the sign by-law she can put more time into it.

Ms. Coppola asked if the money the town sees from the sale of the property is going to be pretty substantial, is there any way that can be dedicated to a new town hall.

Mr. Keegan stated that they had discussed this today and it all depends on the timing of it. And if it doesn't go for this project we certainly have other projects down the road that we can dedicate it to.

Based on the time that we have for the town hall project when you want to go for soft cost money in November and then construction hard cost money in September of 2015 it is conceivable that we could have a sale done and ready to go before then but as we talked about at our meeting today we are pretty comfortable with our financing approach and I think we have a pretty good handle on how we are going to do this.

Ms. Wason stated that it should be dedicated to capital projects for the long term benefit of the town.

Mr. Scollins stated that the sale of the fire station itself would have to be dedicated to capital projects of a similar life span. The property that we took through tax foreclosure is different but certainly that could be reserved via a town meeting vote that it goes towards capital projects but the fire station would have to go towards building projects in the town.

**8:00 pm – RFP Town Counsel**

Ms. Brue informed the Board that she had spoken to Mr. Keegan about an RFP for Town Counsel.

Periodically the Board will come to a consensus as to whether or not they want to take a look at putting out an RFP for town counsel with the idea to give the Board the opportunity to look at costs and service combinations that are available to us. We thought this would be a good time to bring this forward and have a discussion tonight to see if we would like to go through the RFP process at this time.

Mr. DeVellis asked if there was specific counsel they were referring to (labor counsel, liquor counsel or overall counsel).

Ms. Brue stated overall counsel.

Mr. Keegan explained to the Board that the conversation he had with the Chairman about this was you can make the RFP as broad or as narrow as you want.

Mr. Gray asked how often they had gone out with an RFP process for functions like that.

Mr. DeVellis stated they hired Attorney Gelerman at the beginning of August 2012 and at that time there wasn't really any rhyme or reason when the Board would go out for General Counsel.

Mr. DeVellis further stated in Attorney Gelerman's acceptance letter (there is no formal contract) he stated that he was anticipating per RFP a three year contract. That night the Board had a discussion that it was a little uncomfortable if someone wanted to change counsel. It puts the Board as well as counsel in an awkward position. So even though the RFP said three years we decided that three or four years is a good time.

Mr. DeVellis was concerned that they were sending out an RFP after only two years.

Mr. Keegan stated that the term does vary from town to town. In Mr. Keegan's previous experience it was an annual appoint done every July.

The Board had a lengthy discussion on whether or not to go out for an RFP.

Ms. Brue asked for a motion to begin the process of an RFP for town counsel. Seconded by Ms. Coppola.

Ms. Brue asked for discussion.

Mr. DeVellis stated that he felt there would be a danger in changing town counsel. Not a lot has changed in the last two years; it seemed it was a good fit. My experience with the previous counsel was that it was a very litigious nature and I have been at meetings where we will challenge and bring it to court rather than working it out.

Mr. DeVellis stated that he hasn't heard there is an issue from the other boards and he would like to hear it as well as see the billings over the last couple of years.

Ms. Coppola stated that as a member of the Board of Selectmen she would like to feel comfortable with the advice and legal documents that are being presented and written by the town counsel. Ms. Coppola would like to see more of an advocate for the town and not an accommodator.

Mr. DeVellis stated that Gelerman & Cabral is consistent. When they presented at the table their RFP package they stated that they are a firm that tries to work things out. It's not like he came in and said I'm going to do one thing and then do another.

Ms. Brue stated that the Board should not get into this type of discussion and Ms. Coppola as well as everyone else have explained their thoughts on this topic. Ms. Brue does not want this to be a dissection of town counsel at the table.

Ms. Brue asked all in favor of sending out an RFP for town counsel. **Vote 3-2-0 with Mr. DeVellis and Mr. Feldman voting in the negative.**

Mr. Keegan stated that he will prepare the documents, circulate it and get feedback if anyone has any questions about it before we send it out. Mr. Keegan stated that this is actually the Boards request/document; Mr. Keegan is just the person that prepares it.

### **8:30 pm – Call for Special Town Meeting**

Ms. Brue asked if a date had been selected.

Mr. Keegan stated that the date they have been contemplating is November 17, 2014.

Mr. Keegan further stated there are two additional items that we are looking at here. There is a list of nine (9) items. There are two additional items that we are contemplating adding:

1. Public Works Addition at their facility and it is really just approval of the funding mechanism.
2. Potential Land Issue that still remains to be seen whether it is going to happen of the potential selling of town owned land on Oak Street.

Mr. DeVellis asked if Mr. Keegan understood that this process had gone through last year and was somewhat contentious.

Mr. Keegan and Ms. Brue gave a brief overview of the events that led to this which included Ms. Brue and Mr. Keegan had spoken with Mr. Boette last evening, September 8, 2014 and Mr. Boette stated that he would talk to his Commission first, that would be the first step and then Ms. Brue would bring it back to the Town Asset Review Board and put it through that process. Mr. Keegan stated that based on their conversation last evening they are interested in other land that

could actually help them and they want sort of a compensation for that which would be a 14 acre parcel of land the town owns abutting the landfill.

Mr. Keegan stated that it is possible that they might not make the warrant with this article because that process might not have enough time to play out.

Mr. Gray asked when the warrant closes.

Mr. Keegan replied that the Board could close it tonight.

Mr. Gray asked would there be time to vet these topics.

Mr. Keegan stated that the other items they are not too concerned about because they believe those things will be addressed.

Mr. Gray stated that some of the items do require some study.

Mr. Keegan stated he thinks the issue is holding a placeholder for them so if they are ready you can actually fold them into the warrant. The Board wouldn't actually require full language for those tonight it is a question of do you want to include these in your warrant for consideration.

Mr. Scollins stated that the process has been in the past a draft list is given to the Board and then the Board ultimately determines whether or not they want to go forward with all of the items on the list or if they want to add some other items to the list. Often the warrant is kept open for a little longer but they are trying to keep this to a small warrant so we weren't really looking for anything to be added it was just a matter of whether things would be subtracted. Mr. Keegan's point about placeholders, we have done that in the past as well. We have had warrants where we have had items on there and they just for whatever reason are not ready by the time we get to town meeting but we wanted to provide the option.

Mr. Gray stated that as long as they are just placeholders and the Board does not subject Ad Com to wasting time vetting them.

Mr. DeVellis asked if Ad Com is reviewing any of the nine (9) items.

Ms. Brue stated that tomorrow night will be the Sign By-Law.

Mr. Scollins stated that this will be Ad Com's first meeting of the year and he is hoping there will be a discussion about future meetings and when they will want to hear the rest of the warrant articles.

Ms. Brue asked if they could go down the list and just write who is bringing them forward specifically.

Funding for New Police Officer's Salary – Board of Selectmen/Chief of Police  
Funding for the New Town Hall – Board of Selectmen

Constables Amendment to the General By-Law – Board of Selectmen  
Sign By-Law (General By-Law) – Board of Selectmen  
Additional Liquor Licenses – Board of Selectmen  
Remove Auditorium Restrictions – Board of Selectmen  
Petition Legislature to Auction off ¾ acre off of Payson Road – (Possibly Planning Board)  
Accessory Apartment – Planning Board  
Foxborough Center Overlay – Planning Board  
Public Works (DPW Building) – Board of Selectmen – Mr. Keegan stated they actually have the funding it's just the funding mechanism has to be approved.  
Oak Street - Conservation

Ms. Brue stated that they had talked about opening and closing this tonight so that it can't get any longer and as soon as we hear back from the Conservation Commission the Board can make a decision on that one.

Mr. Keegan stated that given the level of concern that Mr. DeVellis' had on this issue it would make sense to hold off on that issue until we have further understanding until the spring.

Ms. Brue stated that they already had a short list.

Mr. Scollins stated that this is an item from the short list and the Town Asset Review Board had made this recommendation. Mr. Scollins stated that based on his discussions with individual Committee Members, the Committee has not changed their opinion but obviously they will get back together to discuss it again.

Mr. Keegan stated that he doesn't think based on the conversation they had last night that all five (5) lots will go up for sale, they don't think that will be possible, we think that a number less than that will certainly be a consideration. It is ultimately up to the Conservation Commission, they are not denying their process the question is, is it worth their while to consider this given the fact that there is a tradeoff of land that will offset that.

Mr. DeVellis stated that something the town has been focusing on for quite a while is the town hall. By having eleven (11) articles on a special town meeting is that going to detract from the efforts of the town hall.

Ms. Brue stated they could have Ms. Wason come back and fill us in some more on the Planning Board items.

Ms. Brue stated that the Board will start a discussion about liquor licenses. Tomorrow night everyone will be able to see really the extent of the work on the Sign By-Law changes so that will start that process off. Ms. Brue stated that she did not want to take away from the town hall project.

Mr. DeVellis stated that he doesn't see eleven (11) items going successfully through the Advisory Committee when we are just getting a lot of this tonight.

The board had further discussion on the warrant process.

Ms. Brue asked for a motion on the Special Town Meeting Warrant special list.

Mr. Gray stated that this means no additional items can go on and again as we are going through them and that 5-6 of those might drop off just because of their complexity.

Ms. Coppola stated that she liked the idea of seeing what the actual warrant article says before we possibly list it on the warrant because it could be something completely out in left field that no one on the Board would support and why even waste time.

Mr. Keegan stated that they could most certainly provide more information to the Board by the next meeting.

Ms. Brue asked All In Favor of Opening and Closing the Town Warrant. **4-1-0 with Mr. DeVellis voting in the negative.**

Ms. Brue stated that the next item is to actually have a discussion about the proposed warrant article for special legislation for liquor licenses. Ms. Brue wanted to start the discussion again related to the fact that we are looking at moving things forward in terms of the fire station RFP process. We have no available full liquor licenses in town right now. We also have a request from two restaurants, one of the letters being in their packet who are currently beer and wine license holders who state for business success reasons they would like a full liquor license. Ms. Brue stated possible locations are:

The Fire Station (would add to the competitiveness of the bid process)  
Foxfield Plaza  
Foxborough Plaza (Old Bradlee's Plaza)  
Kraft Organization (would like more)

Mr. Gray asked if the premise is that economic development is congruent to the number of liquor licenses available.

Mr. Keegan stated that it certainly is an economic engine these days. Liquor licenses actually help develop restaurants; they expand food establishments and do help provide bringing activity into the downtown area. That has been proven on many occasions.

Mr. Gray stated that he is not looking for any more bars in town but he thinks it actually is a driver for economic development.

Mr. Keegan stated that the Board will actually determine how many licenses they would like to petition the legislator for and then they can make the request through the legislative process.

A lengthy discussion ensued as to what the correct number of added liquor licenses (if any) to ask for.

Some of the Board members had concerns such as:

Too many alcohol licenses inundating the market and lowering the value  
Requesting not enough licenses at town meeting and having to request more

Mr. DeVellis stated that the Planning Board probably knows better than the Board of Selectmen what the potential zoning is.

Mr. Keegan stated that he would arrange a stake holders meeting with the Planning Board/Police Chief/Business Owners.

Mr. Keegan asked if it was the pleasure of the Board to have further discussion on this and to leave it on the warrant or do they feel it needs more time.

Ms. Coppola stated that she would like it left on so as not to lose time.

Mr. Gray agreed he doesn't think they will have time to develop a full plan but to start the process and at least keep it on the agenda.

Ms. Brue stated the first step would be our next meeting we will see if we can have the Planning Board and Police Chief come and see if we can determine anything from that.

Ms. Coppola stated they should also contact Representative Barrows and Senator Timilty to see what the turnaround time is.

Mr. Keegan stated that they had a conversation recently with the Representative and he was receptive to that.

### **9:10 pm – Town Hall Working Group – Town Hall Update**

Mr. Feldman stated the group finalized the verbiage on the RFP for the soft costs. That is going in the Central Register and the Sun Chronicle on September 17 & 24, 2014 with bids due October 10, 2014. They are hoping to have a recommendation to the Board of Selectmen by October 28, 2014.

Mr. Keegan stated for the public's notification that the Committee (with the exception of one member) are in favor of a new building. We have researched the renovation process pretty extensively and we will make a presentation on that as well.

It is our collective belief for the value that we are going to put into this property building new is better for the long term. That has been their position for a while.

Mr. Keegan stated that they wanted to fully vet the renovation process to make sure that they weren't missing anything. They understand there are a lot of fans of renovation and we are to but the building we are dealing with, there is not a lot of redeeming value in the building itself. We aren't dealing with granite, marble or mahogany or any finishes that you would typically see

in an historic type building and so as a result the question then becomes okay if that isn't the case then what is the best value, the best value is to build a building that is fully functional and workable for the present needs of the town.

Mr. Feldman stated that it was easy to take a clean slate on an existing footprint and draw a floor plan not taking into account once you gut it and start cutting it up, dropping posts and trying to coordinate mechanicals and structural within that structure you start to lose efficiencies. The other thing is that you are looking at an envelope that is 40-50 years old, actually 46 years old and you don't know the construction. You don't know if they properly flashed behind the brick on the window headers and the weep holes so that all has to be vetted. If you truly want to do something for the next 50 years you don't want to spend "x" amount of dollars every year and use capital improvement money to restore or repair.

The Group will lay all that out. We are not just totally discounting the renovation, we have looked at it. Mr. Keegan stated that the Group really does respect the opinions of the advocate we know that this person has a long standing history with doing renovation projects and we respect that; however the detail that we looked at this building and the level of renovation that has to be done does not make sense financially.

Mr. Feldman stated the biggest thing that his handcuffing them is that they cannot spend money to do a true feasibility study and floor plan on the existing structure or an envelope study so we have to make an educated guess of what the best option is and I think collectively we have tried to do that.

Now we are looking at the site itself and trying to fit a new building within that existing site plan that will be appealing to both the South Street elevation and the Liberty Street elevation, we started late today on that and will continue working on that.

Mr. Keegan stated that they are working on a public information campaign or effort to try and educate the public on what we have done to this date.

### **9:15pm – Town Manager Update**

Mr. Keegan informed the Board of a Memorial Service for 9/11 that is going to be held this Thursday.

The Fire Department actually has a nice service that they hold at the Public Safety Building which starts at 9:45am. They do a brief service particularly for the firefighters who lost their lives in that tragic event on that day. Anyone from the public that wants to join us are welcome to participate.

Mr. Keegan will be leaving on Friday morning for the ICMA Annual Conference in Charlotte, NC this year and he will be back in the office on 9/18/14.

They will be having a full department head meeting on that day and Ms. Bernard will be joining him as well.

Mr. Keegan stated that last evening he had attended the Recreation Committee meeting to discuss the skateboard park and the status on how we could try and come to some resolution of that.

We heard the advocates speak as to why it is important to them to keep that park and they have raised some money to try and do that.

The Recreation Committee was supportive of at least repairing what they could at this point in time but they also recognized that skateboarding is not nearly as popular as it used to be. They are going to keep this alive for the time being but once the funding runs dry they will seek an alternative use for the site.

Mr. Keegan believes it was a good compromise that the Recreation Commission struck with the advocates for the program.

Mr. Keegan assured everyone that it is going to be Mr. Keegan's budget proposal in 2016 to create a Centralized Facility Maintenance Operation designed primarily to protect all of our town assets and that includes skateboard parks and any town asset that we believe needs attention. We will try to set money aside for each thing each year so we will put it on a schedule for repair. Mr. Keegan stated that Ms. Bernard has had some experience in Westwood doing this.

Mr. Keegan stated that the focus right now is getting the town meeting reports ready over the next several weeks and he will get the Board more information on the RFP for town counsel.

### **Action Items**

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

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

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

Motion was made by Virginia Coppola to approve the August 19, 2014 minutes as amended. Seconded by John Gray. **Vote 5-0-0**

Motion was made by Virginia Coppola to approve Pizza Time/St. Virgin Mary, Inc.'s Common Victuallers license. Seconded by John Gray. **Vote 5-0-0**

Motion was made by Virginia Coppola to approve Wampanoag Road Runners Old Fashioned 5 & 10K Road Race application on February 15, 2015 with a snow date of February 22, 2015. Seconded by James DeVellis. **Vote 5-0-0**

Motion was made by Virginia Coppola to appoint Marcia Walker as an Election Worker expiring September 1, 2015. Seconded by John Gray. **Vote 5-0-0**

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

Mr. DeVellis asked if the Board could grant blanket approval for all Sunday Early Opening as this would save a lot of time and work.

Mr. Keegan stated that he would have to ask the ABCC.

Motion was made by John Gray to Adjourn at 9:20pm. Seconded by David Feldman. **Vote: 5-0-0**

Respectfully Submitted,

Debra A. Jarvis