

SELECTMEN'S MEETING
NOVEMBER 17, 2015

Members Present: David S. Feldman, Vice Chairman
Christopher P. Mitchell, Clerk
John R. Gray
Virginia M. Coppola

Others Present: William G. Keegan, Jr., Town Manager
Ms. Mary Beth Bernard, Assistant Town Manager
Ms. Deborah Giardino, Recreation Department
Ms. Janet Kennedy, Cocasset Street
Attorney John Michelmore
Ms. Charlene Kay, Housing Authority
Mr. Thomas Kelley, Housing Authority
Ms. Candace Loewen, Housing Authority
Mr. Randy Scollins, Finance Director
Mr. Thomas Buckley, Chairman, Board of Assessors
Mr. Michael Laracy, Vice Chairman, Board of Assessors
Ms. Hannelore Simonds, Chief Assessor
Mr. Dennis Naughton, Resident
Mr. Roger Hill, DPW Director
Mr. William Cochran, Jr., Bar Louie
Ms. Lynda Walsh, Child Sexual Abuse Committee
Ms. Vicki Lowe, Child Sexual Abuse Committee
Ms. Kristin Papianou, Advisory Committee

James DeVellis was not present for this meeting.

The meeting was brought to order at 6:55 p.m. by David Feldman.

A motion to adjourn and enter into Executive Session to approve the November 3, 2015 Board of Selectmen Executive Session Minutes and return to regular session at the conclusion was made by Christopher Mitchell. Seconded by John Gray. **The motion carried 4-0-0. Roll Call Christopher Mitchell – yes, John Gray - yes, David Feldman – yes, Virginia Coppola – yes**

David Feldman read the agenda.

7:00pm – Citizen's Input

Ms. Giardino stated that she was before the Board for approval of a Public Event which was their Second Annual Light Up the Town. They did this last year and they had several hundred families come and it was very well received. It is harking back to the old days when she grew up

in Foxborough when the tree was lit, the Fire House and lit, and the fire trucks had all their ladders up. Last year they started this by lighting the tree then they collaborated with the Library and the kids and their families go to the Library and make a decoration and they brought it to the Common to hang on the tree which they found out the tree was too high so now they bring them home with them. Every year they try to do something bigger and better. This year they still have the collaboration with the Library which she is grateful to work with Manny and he is grateful to work with them. They also are going to have singers, the choir from the Ahern School will be there and the Elite School Company will also be doing a short holiday dance for everyone's entertainment. Mr. & Mrs. Claus will be arriving via fire truck and then they will have a count down and light the tree. It is a great collaborative, Foxborough Recreation is working with Manny at the Library; Cable TV is a huge asset; the Foxborough Police Department and Foxborough Fire Department will be there to make sure that traffic flows and that Mr. & Mrs. Santa Claus get to where they are going.

It ends about 6:15pm; it is a short event and it really starts at 4:00pm with the decorations and the tree being lit at 6:00pm. The Jaycees are a huge part of this and they are collaborating with them as well. There will be a showing at the Orpheum Theater of two Christmas classics and that will be run by the Jaycees portion of it. It is a 4:00pm to 8:00pm family event on Saturday, November 28, 2015. Ms. Coppola stated that it will be 4:00pm for the decorations, 6:00pm for the tree lighting and then movie following that. Ms. Giardino stated that it is following the lighting of the tree which is just about 6:00pm. Everything is timed down to about fifteen minutes; they really have it timed very well short of anything happening.

Motion by Christopher Mitchell to approve the collaborative event on Saturday, November 28, 2015; Light Up the Town Event. Seconded by John Gray. **Vote 4-0-0**

Janet Kennedy, Cocasset Street – Ms. Kennedy asked if the town has any liquor licenses available now (wine and beer and the full alcohol). Mr. Gray stated that there are wine and beer licenses but there are no full alcohol licenses left. Ms. Kennedy stated she knows the Board is only going to ask for two licenses so her question is, if you have to go through the legislators, sometimes they are a little slow. Also, if you go for two say another time you have to go back for three or four that is going to cost money because the attorneys have to look at it. Mr. Feldman stated that the intent is that they are actually doing some studies now to come up with what a viable number is. They are working on that and they are going to come up with a number to present to the town. Ms. Kennedy stated that in 2007 they went for 12 licenses and every time you do this you have to submit it and to make sure that the paperwork is correct, the attorneys have to look at it and it costs more money. Ms. Coppola stated not really, the attorneys at the State House look at it. Ms. Kennedy asked if the town doesn't have our attorneys look at it in which Mr. Keegan stated not really because it is the same language.

Ms. Kennedy stated that her other question was that Mr. Scollins stated that they get \$3M from the Patriots in lieu of taxes; what account does that go in and does anyone keep track of how much is spent out of it. Mr. Scollins stated that the payment in lieu of taxes from the Stadium is part of what is called our local receipts. Local receipts are about \$10M and that is a major component of it and those funds go into the general fund. They support all of the general fund operating budgets for the school and town.

7:05pm – Selectmen’s Update

Mr. Feldman stated on November 3, 2015 there was a joint meeting with Planning Board, Economic Development Committee and the Board of Selectmen with the Metropolitan Area Planning Council. It was a very informative meeting and they presented good data and research regarding development opportunities and strategies for the Route 1 Corridor. The information that they were able to provide will prove invaluable as they look to further their opportunities in and around Route 1. They are doing something very similar with the other business nodes so that was a very good kick off.

Mr. Feldman wanted to give a shout out to Mike Johns for putting together the Veterans Day ceremony last Wednesday. Mr. Mitchell stated that Mr. Johns does a great job and he is a tremendous asset for the town and the veteran population. With anything like that he wishes it were better attended in the audience but it was good. Mr. Feldman stated that Mr. Johns always does a good job with those events.

Mr. Feldman stated as an aside, he just wanted to make a general comment without getting into any specifics; as elected officials and part of a policy making board, they need to be very mindful of what they say and how they say it in the public so they don’t inadvertently sway opinions or influence committees. If they have information to share or concerns over an issue before a particular committee or board they should reach out to the chair or attend the meetings so a discussion on the topic can be had in the open. Mr. Feldman has gone to many meetings with a particular mindset and after hearing both sides of the issue, actually changed his position based on the information that he found. It is just a note.

7:15pm – Foxborough Housing Authority – Appointment of Thomas K. Kelly – Attorney Michelmore

Attorney Michelmore stated that under the statute they have a vacancy open in the Housing Authority. The last town election there were two openings and only one was run for so they have had an opening. Thomas Kelley volunteered to join them so that is the purpose of this meeting.

Attorney Michelmore opened the joint meeting of the appointing authority which is the Board of Selectmen and the authority to which the person will be joining. It has to be a majority vote of everyone so that is what the purpose is.

Mr. Kelley is a lifelong resident of Foxborough and he has been in business as a real estate developer and agent and his input and his experience will be very helpful to them. They are still in the process of trying to develop some land on Walnut Street and Mr. Kelley’s expertise and experience will be very helpful in that process so they are very happy to nominate him to be a member of the Foxborough Housing Authority.

Attorney Michelmore moved that Thomas Kelley be approved as a member of the Foxborough Housing Authority. Mr. Keegan stated that this appointment is only good until the next election

which is scheduled to be in the spring. Attorney Michelmore stated then he will run for whatever is remaining on that term which will be four years. Mr. Feldman asked when the appointment is. Mr. Keegan stated that if he is approved tonight it will be effective tonight until the next election which would be held in May.

Seconded by John Gray. **Vote 4-0-0**

Housing Authority **Vote 3-0-0**

7:18pm - Action Items

Motion made by Christopher Mitchell to accept the Council on Aging gift donation of \$50 from Mr. & Mrs. Brian Foley in memory of Ted Inman. Seconded by John Gray. **Vote 4-0-0**

Motion by Christopher Mitchell to accept the Council on Aging gift donation of \$100 from Mr. & Mrs. David Lowe in memory of Ted Inman. Seconded by John Gray. **Vote 4-0-0**

Motion by Christopher Mitchell to accept the change of date for the Old Fashioned 10 Miler and 5K Road Race from February 14, 2016 to February 21, 2016 with a possible snow date of March 13, 2016 for the Wampanoag Road Runners. Seconded by John Gray. **Vote 4-0-0**

Motion made by Christopher Mitchell to accept the Foxborough Planning gift donation of \$360 for the Sharon Wason Pavilion Fund from Kevin & Diane Weinfeld. Seconded by John Gray. **Vote 4-0-0**

Motion by Christopher Mitchell to accept the Council on Aging gift donation of \$50 from Ms. Jocelyn Tripp in memory of Ted Inman and Vivian Pitts. Seconded by John Gray. **Vote 4-0-0**

7:20pm – Classification – Public Hearing – Randy Scollins, Hannelore Simonds, Mr. Thomas Buckley, Mike Laracy

Christopher Mitchell read the Public Hearing notice.

The Board of Assessors opened up their meeting.

Mr. Scollins stated just to give some purpose to what is called the classification hearing, it is to review the property valuations of the property classes subject to taxation and decide whether to maintain a split tax rate, eliminate the split or modify the split by shifting the burdens between the residential, which is one class and the business classes of property which are three classes (commercial, industrial and personal property) hence the terminology, classification hearing.

The context of the hearing is this is a required annual touch stone along the way to have the town's tax rate set and ultimately approved by the DOR once approved by the Board of Selectmen the documentation will be forwarded to the DOR. Once the classification decision is made by the Board of Selectmen the last components of the documentation will be forwarded to the DOR for their final review and assuming everything is in order they are looking to receive

approval this week which will allow them to mail their third and fourth quarter tax bills by the end of December with February 1 and May 1 due dates.

As context Mr. Scollins provided the Board with a fairly detailed package and traditionally he just covered the highlights in the Executive Summary and then turned it over to the Board to discuss valuation changes and their recommendation and then take questions from the Board and/or the public.

The FY16 tax levy is increasing by \$1.98M or 4.79%. The increase is comprised of 2.32% or \$957,000 which is allowed by Proposition 2 ½; it is not exactly 2 1/2% because you can't increase on the debt exclusions. So 2.32% by Proposition 2 ½ and then it is reduced by 15 basis points or \$62,000 due to decreased excluded debt as a result of their scheduled amortization of the existing debt and they have added no new debt so the total tax increase on pre-existing properties is 2.17% or \$895,000 and new growth taxes has added 2.63% to the levy or \$1.09M. They continue to tax to the limits allowed by Proposition 2 ½ for the nineteenth consecutive year; however, Foxborough has no general override capacity built in to the levy whereas ten out of the fifteen area communities have an additional general override leverage capacity averaging \$4.4M. The total levy itself is \$43.34M.

As far as values go, the FY16 total tax property value increased by 6.62% or just under \$174M. The average single residential values increased by just over 7% and the average business values increased by just over 3 ½% so about half the rate that the residential properties increased. Over the last 10 years the residential value has actually decreased by about \$17 1/2 thousand or 4.3%. They had a bubble then and a resuming bubble now.

The average single family property value including condominiums has increased this year by just under \$26,000 to \$393,000 and the average single family property value excluding condominiums has increased by just under \$27,000 to \$406,000 so values are rising for residential.

The residential class of property totals 76.48% of all property value which remains significantly higher than the 2010 base line year. They call it the base line year because that was a re-evaluation and that was the year that all of the new major taxable growth had been captured in their tax base; Patriot Place, Foxborough Lodge, Chestnut Green and quite a bit of other residential properties as well so that split of residential versus business at the time 72.8% to 27.8 and that was considered to be their base line year for all of the new values coming on board and just so they are clear the Foxborough Lodge property which is considered residential; all apartment properties are considered residential so it was equal significant movement to both residential and commercial so the remaining 23.52% at this point in time is associated with commercial, industrial and personal property classes. Over the last 6 years residential property has increased from 72.8% in FY10 to a total valuation of the current 76.48. This shift results in a continuing trend of more of the tax burden falling on residential taxpayers than on business taxpayers however in FY12 the Board of Selectmen equalized this trend by splitting the tax rate which had the effect of maintaining the tax burden split of FY10.

The tax impact to residential taxpayers this year from this six year trend with the value shifting away from business taxpayers is just under \$1.6M dollars in total and that is in FY16 so the town reverted to a single rate that would fall back to residential taxpayers.

The tax rate itself assuming no split tax rate which they currently have one, but assuming no split tax rate on the tax rate per thousand in assessed value would increase by just under 2% or \$0.30 for residential classes and would decrease by 11.6% or just over \$2.00 for business classes.

Assuming the current split was maintained the residential tax rate would decrease by \$0.45 to \$14.74 and the business rate would increase by \$0.39 to \$17.91.

Now the tax bill, which is what, really matters. The next three scenarios Mr. Scollins is going to walk through, those scenarios are actually laid out in some detail on pages 4-6 in the packets. Mr. Scollins is going to speak to what they are. Assuming a single tax rate, the average single family tax bill would increase by just over 9% or over \$500 to somewhere between \$6,100 and \$6,300 depending upon if they are including condominiums in the average.

The average commercial tax would decline by 8 1/2% or \$2,300 to \$24,860.

The average industrial tax would decline by 8.4% or \$915 to \$9,952.

The single tax rate has some pretty significant swings.

Assuming the current split is maintained, the average single family tax would increase by between 3.8% and 3.86% or between \$215-\$220 on average tax bill of about \$5,800 and \$5,988.

The average commercial tax would increase by 5.8% or \$1,575 to \$28,700 and the average industrial tax would increase by just under 5.9% or \$640 to about \$11,500.

Those are the two ends of spectrum. One is if you went back to the single tax rate and the other one is if we maintain the split that we have. Then they looked at another split; there are several to look at but the one they looked at was one where the average tax bill increase across the commercial, industrial and residential classes was approximately the same; so a similar tax increase in the same bill. With this particular split which they will discuss more, the average single family tax bill would rise by about 4.4% or about \$250 and that would average about \$5,822 for properties that would include condominiums and if it is just a single family house the average bill would be \$6,021.

The average commercial tax would increase by 4.3% or \$1,174 to \$28,340 and the average industrial tax would increase by about 4.4% or \$479 to \$11,346.

Mr. Mitchell stated the top of that second page the last bullet point, residential tax rates would decrease by \$0.45 if they kept the current split. Assuming the current split maintained that first bullet point, is that because the property evaluations went up that much that they would increase the taxes. Mr. Scollins stated that the amount of tax collected in total doesn't change; it is just a shift of the burden of who pays what. The tax rate is the toggle point to shift to residential or

business depending upon which tax rate you choose. In the scenario here with the current split being maintained because residential values went up twice as high as business values they would receive a decrease in the rate whereas the businesses will receive a modest increase in the rate.

Mr. Gray stated just to clarify, we have a budget to meet and we know the number and yet all of the property owners in town have to share in contributing to that in which Mr. Scollins stated correct. Mr. Gray stated it is based on the value of the house but it is how you divide the pie is based on the value of the properties in which Mr. Scollins stated that is exactly right.

Mr. Scollins stated that the other piece just to give context to where Foxborough stands; our tax burden compared to other communities so annually he updates community comparisons to fifteen surrounding communities and because they don't have complete data for FY16 he is always looking a year back, so he is looking at FY15 but everything moves pretty much in lock step; some things come in waves. Looking at Foxborough's FY15 total valuation of property of \$1.63B, just single family property and that is 18 ½% or \$372M less than the FY15 average of the fifteen area communities which is about \$2B. That is a major driver of the financial constraints that Foxborough has. We just don't have as much taxable property on average with the other communities; this has nothing to do with the value of the town's property it's just that we don't have as much of it. Mr. Gray stated to be fair, square miles and population enter into that as well. Mr. Scollins stated correct, it is an average of all fifteen communities that surround us; Plainville is in there, Franklin, Norfolk so it is a pretty well rounded average. Mr. Gray stated that North Attleboro is a little bit bigger than us in which Mr. Scollins stated that we are getting there with our commercial base. The total number of single family parcels we have 4,284 and we are at 16 ¼% less than the average communities around us of 5,115. Our average single family value in FY15 was just under \$380,000 or about 3% lower than the average of the fifteen area communities of about \$392,000 and this is an area that he believes comes in waves; it cycles through the communities and doesn't always happen evenly. Foxborough has caught up this year given the sales activity that has occurred where we leaped forward 7% this year. Our average single family tax bill last year of \$5,768 was 4% lower than the other fifteen area communities commensurate with the value difference and the fact that we don't have the overrides.

Nine of the fifteen area communities adopted a split tax structure. Last year residential was lower than business.

The Board of Selectmen has the option to annually maintain a single tax rate or establish a split tax rate. Shifts in residential factor can be up to 17.6% of the total tax burden. For example you can do one of the smaller shifts 0.32% and that would reduce the average residential tax bill just over \$19 and will increase the average business tax bill about \$101. A 4.33% shift would reduce the average residential tax bill by about \$259 and increase the average business tax bill by about \$1,463; that is compared to a single rate but we are already at a split rate.

In the extreme, you could make a move that would reduce the average residential bill by about \$1,380 and increase the average business tax by about \$7,800. Believe it or not, there are actually a couple of communities that do that, but we are very far from that.

Mr. Gray asked Mr. Scollins to give them a historical perspective of what caused them to deviate from the single tax rate and what economic forces made that happen. Secondly, what scenarios would have to exist in the future to say how can we get back to a single tax rate and where is the lopsidedness.

Mr. Scollins stated that the best visual representation he has of that is on page 7 and again at that benchmark year in FY10 when they had a revaluation so all properties were revisited, rescrubbed, reanalyzed and the state looks harder at them in re-evaluation years; we had all of the new growth that had hit the town; major new growth (business/apartment new growth) and there was actually substantial residential new growth at the time. That year they concurred was a great baseline year for the Town of Foxborough. Everything was moved and revalued at the same time. They watched it and after two years, in 2012 they noticed the drift that the residential share of the total value was climbing faster than the business value and all that means is that the residential share of the pie or share of the tax burden was growing and so the Board of Assessors reviewed that and they considered the classic reason why a board would consider a split tax rate and that is to maintain an equal split of the tax burden; that is the classic example. There are many other reasons that are more political than anything but the most economically based from a fairness perspective is to maintain the split of the burden. They saw the drift and they recommended that the split be put in place to replicate what they had as a split of burden in 2010 and for the last four years after that (2012-2015) they maintained that. Here we are in 2016 and the drift is continuing even further.

Mr. Buckley stated that they met last night and they unanimously voted to do a split again this year. Mr. Buckley will try to explain their reasoning behind that. The rate that they did on page 14 down below the halfway mark of the sheet you will see on the left-hand side a 1.14 shift and that is actually the same scenario that Mr. Scollins talked about in the third scenario that he talked about. The reason why they looked at that one was because there was an even increase in both where it was an even increase in both commercial and residential. Looking at the other scenarios you had major differences in that shift and one of them had the residential going up over 9%. He has been accused over the years that maybe trying to put the toothpaste back in the tube but he doesn't agree with that totally because he thinks back in 2012 when they made that decision, well Foxborough didn't look like it did 10-15 years ago. We have a much larger commercial base now and at that time there was a huge shift in the values and they were going to hit the residential really hard that year and that is why they made that decision to make that shift. In the meantime things are not as rosy as some media pundits want to say and the economy isn't all that great when it comes to the business and corporate life. Things are getting better but you look at some of the sales in the communities and there are a lot sales but there are not a lot of homes on the market; the prices are being inflated. They looked at this again and he knows there is a feeling with some people in the community to get back to that single rate but the beauty of this whole process is that this is an everyday occurrence, they are having a rebound next year so the commercial values will be a lot tighter and they will have a really good handle on that because that is not something that is looked at every year. They get the I&E's every year but this year they have funding in place to do a reevaluation of all the commercial properties throughout the whole community so they will be using the I&E's which is the Income & Expense formula but also for those businesses who don't partake in that, they have professionals look at those values and put a real value on all those commercial properties. It could change next year; they

just don't know where it is going. Mr. Gray stated that is good news because they can get a new base line set up. Mr. Gray asked if that was their recommendation to go to the 1.14. Mr. Buckley stated that the reason for that is because it makes the increase basically even. You will have the residential and condominiums will go up 4.42% and commercial will go up 4.32% so that is their recommendation just to keep it again, the fairness factor they are impacting both classes of properties throughout the whole community.

Mr. Gray stated that it looks like it is a negative 4.3% change for residential. Mr. Scollins state that is the comparison to a single rate tax. The shift in essence is 4.33% of the burden and that is approximately \$1 ½M where the maximum you could do somewhere between 17.6% so they are pretty far down the curve. Mr. Gray stated that the whole idea of this is just to keep levels as close to the current levels as you can. Mr. Scollins stated yes. Mr. Buckley stated that they are not using the same split that they used last year because there was a skew in that so they are trying to keep it level so they are actually throttling it back.

Mr. Feldman stated that he thinks there is a fine line between over shifting the burden to commercial businesses and stifling expansion and development versus really trying to keep things fair and equitable. If you look at the communities around us that do have a split rate we are very competitive with them on the commercial side if not less but there is room to proportionately move that burden and still remain competitive. Mr. Buckley stated that hopefully next year the Foxfield Plaza project will be coming on line; the new hotel up at Patriot Place and the domain on Fisher Street so all that will come into view too.

Mr. Feldman stated that he thinks it is important for everyone to realize that there is a definite positive to economic growth in everyone's pocketbooks; it really affects how much you pay on an annual basis on your property taxes so that is really good information.

Mr. Keegan stated that to be clear the recommendation from the Assessors is what? Mr. Buckley stated that the official is the .956951 residential factor.

Mr. Keegan stated that there are two actions being asked of the Board tonight:

1. Vote to determine whether or not they want to retain the shift
2. How much of a shift

Mr. Feldman opened it up to audience.

Denise Naughton, 4 Everett Lane. Mr. Naughton stated that he urges the Board to maintain a split rate. A couple of things that haven't been talked about here tonight is the fact that Foxborough is a graying community and that those among us that are graying got no increase in social security this year and on top of that got a fairly significant raise in the cost of Medicare because of the rather absurd formula that kicks in when there is no raise in the social security itself. These are factors that he thinks need to be taken into consideration by the Board and by the Board of Assessors every year going forward as part of the consideration in terms of fairness. He likes the fact as a citizen in town that there is an effort at fairness in this proposal and he wishes that the original split ratio from the past year was maintained but he can see for this one

year anyway going forward to maybe another base line that this is a fair way to go and he hopes that the Board of Selectmen will adopt their proposal.

Mr. Gray stated that when they go through their economic analysis he doesn't know how much data is in front of them but to Mr. Naughton's point, do they get into details about the average incomes; the average debt loads; Medicare reimbursements. Mr. Scollins stated that it is really based on the property values themselves.

Motion by Christopher Mitchell to close the public hearing. Seconded by John Gray. **Vote 4-0-0**

Motion by Christopher Mitchell that they approve the recommendation by the Board of Assessors and adopt the residential factor of 0.956951. Seconded by John Gray. **Vote 4-0-0**

7:50pm - Bar Louie – Change of Manager, William Cochran, Jr.

Mr. Feldman asked if Brad Taylor, the former manager was staying on in another capacity in which Mr. Cochran stated that he had moved to Texas. Mr. Feldman asked if Mr. Cochran has been working in the establishment in which Mr. Cochran stated yes, off and on for the last 5 ½ years. Mr. Feldman asked what his position was there in which Mr. Cochran responded that he was the General Manager up until three years ago then he went to District and now he is back in full force as the General Manager.

Mr. Gray stated that the Board has questions they will be asking him about the regulations in the Town of Foxborough; if he was familiar with them and basically how he would run the operation in compliance with them. We have had sting operations in town over the past few years and a number of establishments have been caught up with that and the Board's penalties have been fair but they have been firm. One thing a business does not want to do is to lose business. Mr. Gray asked Mr. Cochran to address that question and tell them how he would run the operation. Mr. Cochran stated that when it comes to alcohol service they are very diligent about training their staff. Every member of their team as to be TIPS certified before they even begin. They also have a scanner at the front door that they go through and make sure after 9:00pm everyone that walks into the building is scanned. In the meantime they have their door guys actually go around and card the people within the building so they can maintain a 21 and over after 9:00pm on the weekends. Mr. Gray asked if this is a secondary carding operation in which Mr. Cochran stated yes.

Mr. Gray stated that Mr. Cochran has been in this business for quite a while and the Board took a look at his application and he had a blemish on his record and asked him to tell the Board how he mitigated that. Mr. Cochran stated that when he first moved up here he was from the Midwest and it was different out there. He got hit with an under-age violation when he first got here and essentially they really took it to the team and took their training above and beyond; they had Jim Staples involved and went through and did a personalized TIPS class for everyone and they just continued going that route the whole time since he has been in this area.

Mr. Feldman asked if he was the Manager of Record previously in which Mr. Cochran stated no. Mr. Feldman asked if he had ever been the Manager of Record for any establishment in which Mr. Cochran responded for their establishment in Boston. Mr. Feldman asked if this was his primary location now in which Mr. Cochran responded yes.

Mr. Gray asked if he lived locally in which Mr. Cochran responded that he lives in Norfolk. Mr. Gray stated then it is easy for him to get to the establishment in which Mr. Cochran responded very quickly. Mr. Gray asked how many hours a week did he plan to be there in which Mr. Cochran stated hopefully 55-60 hours, that is their standard.

Ms. Coppola asked how long he was the manager in the Boston location in which Mr. Cochran stated that he opened the store there so he was there a little over a year and then he took over the capacity of a District Manager and would bounce from there to Foxborough. He still spent time in the Foxborough location over the course of two years.

Mr. Feldman stated that Brad Taylor was a regular member of the Fox Cares group in which Mr. Cochran stated he plans on taking his spot and he does plan on being part of it. Mr. Cochran stated that he was also at the Norfolk County training they had on Monday.

Motion by Christopher Mitchell to approve the Change of Manager of Bar Louie to William Cochran, Jr.

Mr. Gray asked if this was effective immediately or if Mr. Cochran was already the manager in which Mr. Cochran stated that he is already managing there.

Seconded by John Gray. **Vote 4-0-0**

7:57pm - Action Items (Cont'd)

Motion by Christopher Mitchell to accept an early opening request on January 1, 2016 at 11:00am for Jake n Joe's and this is a result of the Winter Classic at Gillette Stadium. Seconded by Virginia Coppola. **Vote 4-0-0**

Motion by Christopher Mitchell to accept the gift donations from various donors in the amount of \$3,660.97 to the Friends of the Flagpole. Seconded by John Gray.

Mr. Feldman asked if we know where we are at percentage-wise in which Mr. Mitchell stated 40%. Mr. Mitchell stated that he is on the committee and they have done really well being at 40%. They just sent letters to all of the local businesses so this 40% now is all of the residents and anyone that has heard of it. The schools stepped up right before Veteran's Day so they are hoping with the business letter going out to ask the local businesses right around the common and a little further out they are hoping that they double the 40% very soon. Ms. Coppola stated that just as a reminder a donation to the flagpole makes a wonderful Christmas gift for the person on your list that has everything and it is tax deductible.

Vote 4-0-0

Motion made by Christopher Mitchell to accept the gift donation of \$250 to Foxborough Planning for the Sharon Wason Pavilion fund from anonymous. Seconded by John Gray. **Vote 4-0-0**

8:00pm – Fales Place & Gilmore Street Signage – Roger Hill

Mr. Hill stated after the meeting Mr. Mitchell had with the neighborhood he went out and looked for those 45 degree clips and they don't make them anymore. After the meeting and he saw what the people wanted, he decided that it was probably better if they put up new posts anyway. He can turn them 45 degrees and mount both signs. Mr. Mitchell asked if it would be on the existing signs in which Mr. Hill stated yes.

Mr. Mitchell stated he had met with the residents (20 residents or so) of Fales Place and Gilmore Street and it was hard to come to an immediate decision to make everyone happy but they came up with what Mr. Mitchell thinks is a good compromise. Everyone that night thought it was a good compromise to put up a "Do Not Enter During 3:30pm-6:30pm" and it won't affect the Montessori School that is in existence there because they are done by a little after 3:00pm. There are some other issues that were discussed that night regarding flow of traffic at school time so Mr. Keegan and Mr. Mitchell are going to try and set up a meeting with whoever runs the school sometime next week and see what they can work out. He thinks the consensus was that the signs that they did put up originally with a "No Thru Way" helped a little bit and everyone really thought that these signs would definitely make a big difference.

Mr. Hill stated that the new sign that he found is a red ball with a bar on it and then they have a legend down below and it will say "3:30pm-6:30pm". Mr. Mitchell asked if the red makes it enforceable in which Mr. Hill stated yes, but it needs to go through a process. He needs a vote from the Board of Selectmen to make them enforceable; the Board has to act as Highway Commissioners to do that. Mr. Hill stated that this is the Boards job anyway as they are the Highway Commissioners of Foxborough. Mr. Hill stated that any time he puts up a regulatory sign it can't be enforced unless there is a vote behind it. Mr. Mitchell stated as far as the state is concerned if the Board votes to do this are they are okay with it? Mr. Hill stated that if they had to send every regulatory sign up to the state they would never get any of them approved because they would have \$50M worth of them up there. The big ones are "Stop", "Yield", traffic lights and speed limit signs. Those are the ones that the state will really regulate and they will do what they have to do. Studies are expensive to do those. For small thru ways and things like that, those are things that the town usually adopts on their own. Mr. Gray asked if that would be the only change; that there wouldn't be any change in the speed limit or any other modifications to the roadway in which Mr. Hill stated that the speed limit is set by state statute and this is at the lower end; it is 30 mph statewide for thickly settled and anything with houses less than 200' apart it is considered thickly settled under Massachusetts law. There are no speed limits below that even though sometimes they will put up signs. Mr. Hill could put up advisory speed plates for 15 mph if someone wants that. Mr. Mitchell stated that the speeding factor was a concern. Officer Hoffman had stated that it would be tough to get up to 30 mph but on a street like that Mr. Mitchell actually took a walk over there on Monday morning because he wanted to observe the school traffic and he wasn't on the street for more than three minutes and he almost got run

over by a truck. The speed factor basically on a small, narrow street; the corner of Fales Place is brutal. Mr. Hill stated that it is a 90 degree corner and 21' wide. Mr. Mitchell stated that the residents told him that Monday night and when he walked around there it is dangerous. Mr. Mitchell stated that they should try even if the 15 mph isn't enforceable to put it up there because at least someone will see it.

Mr. Feldman stated that if the Board does moves to approve the "Do Not Enter" sign, the residents understand that they are not exempt in which Mr. Hill stated yes. Mr. Feldman asked if they were okay with it in which the residents from the audience responded yes.

Mr. Gray asked to go back to the suggested speed limits, could that be part of this package. Mr. Hill stated that the Board doesn't need to vote on that.

Mr. Mitchell asked if the speed limit would not be enforceable if they posted 15 mph. Mr. Hill stated no, but he would post 15 mph. Mr. Mitchell asked if they could make the "Do Not Enter" enforceable to everyone and Mr. Hill stated yes, you can't pick and choose who you are going to enforce against. Mr. Mitchell stated that he knows from the meeting it will not inconvenience many.

Ms. Coppola asked if this will be a round sign in which Mr. Hill stated yes, it will be a round sign with a red and white legend and bar across it. It is basically a legend sign that says "Do Not Enter" and then underneath there will be a rectangular sign with a long horizontal "x" that will say "3:30pm – 6:30pm". Ms. Coppola asked if the legend would state "Monday-Friday" in which Mr. Hill stated that he could put it on but it is a lot to digest when you are driving. Mr. Hill stated that if you just put the sign up, it would be up to the police what they want to do on weekends. Ms. Coppola asked if this is for Fales Place and Gilmore Street in which Mr. Hill stated yes. Mr. Hill stated that these signs are going to be on an angle of 45 degrees so that traffic coming southbound on Main Street can see those signs and know that it pertains to those streets. Mr. Hill will try to put them close to the street signs if he can. Mr. Mitchell stated that there were a couple of ideas of putting them on the opposite side of where they are now. Mr. Hill stated that he might have to do that. Mr. Hill stated that they have to do a dig safe up there before they put the signs up. Mr. Mitchell asked when these signs could be installed in which Mr. Hill stated that he ordered the signs about a week ago from Liddell and their usual turnaround time is about a month. Mr. Hill stated that the round sign is not custom but the legend signs are custom made.

Ms. Coppola asked if they were leaving Granite Street with no sign at all in which Mr. Hill stated yes.

Motion made by Christopher Mitchell to approve the "Do Not Enter" signs on Fales Place and Gilmore Street from 3:30pm – 6:30 Monday-Friday and to make them enforceable as well as put a 15 mph speed limit sign there. Seconded by John Gray.

Mr. Feldman asked if Mr. Hill was putting "Monday-Friday" on the sign in which Mr. Hill stated he will see if he can squeeze it on, he is a little worried about the size of the letters and the ability to read those.

Mr. Mitchell asked what the weekend traffic is like there in which the residents responded practically none. Mr. Feldman asked Mr. Hill if he wanted to try to get Monday-Friday on there in which he stated he would try and that he didn't want these to be overwhelming big. Mr. Mitchell asked if Mr. Hill would get a mockup of what it will look like in which Mr. Hill stated yes. Mr. Mitchell told Mr. Hill to make his own decision on how it looks. Mr. Hill stated that if he can put it on he will but that it might say "M-F". Mr. Keegan stated the reason for the question is that it affects the Board's vote and if the vote is only "Monday – Friday" then it is only affected Monday through Friday.

Vote 4-0-0

Mr. Denau asked Mr. Hill if the "No Thru" sign will remain in which Mr. Hill stated yes and that he will probably put both signs up.

8:11pm – Stadium Seating Fees Status Report – William G. Keegan, Jr.

Mr. Keegan stated that the good news is that they have made a fair amount of progress on this issue. Attorney Costello and the counsel for the Kraft group have been working on a draft of the language for the MOU (Memorandum of Understanding). This has gone back a few times now and they are trying to iron out a few wrinkles but they will hopefully have this resolved in the next few weeks. Mr. Keegan had another follow up meeting yesterday and he thinks they are making good progress on that front. He is encouraged by the direction they are taking on this and he hopes to be before the Board within a few weeks with a document for the Board of Selectmen to sign and be finalized.

Mr. Keegan also had another discussion yesterday on some other important issues and they laid out some road maps of issues that they can start talking about in the longer term. Suffice to say they are making good progress on this issue and he is pleased with the direction that they are taking at this point and he appreciates the support they are getting from the Kraft group. Mr. Feldman stated that the good news is that there is dialog.

8:13pm - Action Items (Cont'd)

Motion by Christopher Mitchell of acceptance for two (2) One Day Beer & Wine licenses on December 31, 2015 from 10:00am-4:00pm and January 1, 2016 from 8:00am-1:30pm with a rain date of January 2, 2016 at Lot 22 West Club Parking Lot for Foxboro Realty Associates. Seconded by John Gray. **Vote 4-0-0**

Motion by Christopher Mitchell to approve the One Day All Alcohol license on January 1, 2016 at the Empower Field House from 10:00am – 1:00pm for the New England Patriots Charitable Foundation. Seconded by John Gray. **Vote 4-0-0**

Motion by Christopher Mitchell to approve the October 6, 2015 Board of Selectmen minutes as amended. Seconded by John Gray. **Vote 4-0-0**

Motion by Christopher Mitchell to approve the October 20, 2015 Board of Selectmen minutes as written. Seconded by John Gray. **Vote 4-0-0**

Mr. Denau asked the date that Mr. Mitchell met with the residents of Fales Place and Gilmore Street in which Mr. Mitchell responded Thursday, October 29, 2015.

8:20pm – Special Town Warrant Review/Changes

Article 1

Mr. Keegan stated that the item before the Board this evening was the Special Town Warrant and the Board of Selectmen have reviewed this on several occasions. Now, the Advisory Committee has been meeting with the various warrant article sponsors and this past week the meeting was held with the Child Sexual Abuse Committee. They went over Article 1 which they identified a few word changes that they identified for reconsideration for the article. It was a very healthy discussion held at the Ad Com meeting for that purpose and the committee has gone back and prepared a new draft for that article for the Board's consideration. If the Board is so willing they can adopt tonight and then it will be sent back for the Advisory Committees further consideration at their next meeting, which is tomorrow night. Mr. Feldman asked if the language changes were just highlighted in yellow in which Mr. Keegan stated yes.

Mr. Gray asked if one of the changes "in any public or private child care facility" is that meant to be a broad statement. Mr. Keegan stated that was actually meant to follow the existing statute which was not as clear in the post-warrant article. Mr. Gray asked if this was just for a day care facility or is that just a broader term for any facility that cares for kids. Mr. Keegan stated in a broader term.

Mr. Keegan stated that it was further clarified that this new proposed bylaw could affect anyone 18 years old or older. There was some concern that there are a number of youths that are working in recreational programs (15-17 years old) that this would apply to and as such, this was cleaned up a little bit and made a little bit tighter with respect to the changes starting with the age of 18. That was acceptable to the committee and was discussed at length with the Advisory Committee that night and this was the agreement that was made.

Ms. Walsh stated that they met with Ad Com and as Mr. Keegan mentioned it was a healthy discussion. They put in the age "18 or over" because Ad Com was concerned that if there was a 16 year old they shouldn't be responsible for reporting something if they saw something. The Child Sexual Abuse Committee's reply to that is that you could be 16 years old and be a predator. If you are 16 years old and are a lifeguard somewhere and you already have those intentions, they are a little concerned about that. To make peace and get this moving they accepted the 18 and older. Mr. Gray asked if that line was not there before in which Ms. Lowe stated there was no age listed before.

There was discussion about if you are working with a 17 year old who is working at for example Schneider as a Co-op, do you have to be a mandatory reporter. The discussion went rather far and to make it clear that is why they added the "Child Care"; obviously you are not caring for

this 17 year old that is working with you or working at Dunkin Donuts or something. Ms. Lowe stated that it stated “public or private facilities” but it didn’t specify that it was in terms of child care. Mr. Gray stated that child care doesn’t just mean a day care facility; it is in a broader sense of any club or facility. Ms. Lowe stated but not someone who is 16 years old working at Dunkin Donuts. Ms. Lowe stated just to be clear because that is one of the questions that came up that they hadn’t thought of when they were trying to draft this, that someone might interpret it that way so that is why it was a really good discussion and to have fresh eyes looking at it. Mr. Gray stated the other changes he totally gets but he agrees with them that predators come in all ages and he wants to make sure that they are throwing a blanket over the potential entire population. Ms. Walsh stated yes, and she would assume that if there were a 17 year old that saw something that they would tell the 18 year old person or the person that was their supervisor.

Ms. Papaniou stated that she appreciated all the good work that the Child Sexual Abuse Committee is doing and they appreciated the discussion the other night. The spirit of the 18 year old change is not that they feel they shouldn’t be trained, they think the training is important but it is the legal liability created by the mandatory piece for someone under the age of 18. Mr. Gray asked if Ad Com’s position is that they couldn’t be held legally responsible. Ms. Papaniou stated that they didn’t know what that looked like for a 15 year old to be legally responsible as a mandatory reporter so they thought it might be a problem with the wording of how the law was in terms of enforcement. Mr. Gray asked if the 18 years old or older follows state statute in which Mr. Keegan stated that he doesn’t know if it is defined in the statute because they are carving new ground. The child care facility is actually contained in the statute. Ms. Bernard stated that this is a gray area. Ms. Walsh stated that is why they are trying to clear it up. Mr. Gray asked to get this thing moving can they live with the 18 years old and then work on it for a subsequent modification once they get clarification on the statute in which Ms. Walsh and Ms. Lowe stated absolutely. Mr. Mitchell asked if they could get the clarification between now and town meeting. Mr. Keegan stated that the point that they made was that this was an opportunity to get this statute moving because ultimately there is going to be further discussion at the legislative level and if they feel they need to move on that action, they can. Mr. Gray stated to have Ad Com recommend it in this form and the Child Sexual Abuse Committee can live with it but also if someone could look into where the line has to be drawn legally. Ms. Walsh stated that if you look at the state it is so gray and that is why they are doing this basically. Mr. Gray stated that Ms. Walsh’s organization is actually writing the platform for other communities to adopt in which Ms. Walsh stated hopefully that would be nice but right now her main concern is Foxborough’s children.

Mr. Feldman stated that there is a good chance that this might change once it gets to the legislature. Ms. Walsh stated that it could come back. Mr. Feldman stated that he thinks this is a good compromise to move it forward.

Ms. Lowe stated that the only other change that she wanted to mention is for a point of clarification is that they added “for children who reside in Foxborough” because there was a lot of discussion about if a Walpole team comes to Foxborough and plays, do those coaches fall under different rules when they cross the town line and they were just trying to say that they were really just trying to protect Foxborough children as well as they can and to make that clearer so no one would have confusion about that because that was something else that came up

at Ad Com. Mr. Gray asked what if the Foxborough football team travels to another town in which Ms. Lowe stated that it applies to their coaches.

Mr. Keegan stated that he thinks that is it for this article.

Article 2

Mr. Keegan stated that the only other question that came up was with respect to Article 2 where the Economic Development Committee is actually sponsoring this article. There were some points made on whether or not this was appropriate for us to be doing it that way given the fact that liquor licenses are under the control of the Board of Selectmen. The reason for it being done this way is because alcohol licenses are an economic tool but typically the Board of Selectmen has control over licenses and as such should probably sponsor this article. Mr. Gray agreed with Mr. Keegan. Mr. Feldman stated that absolutely the Economic Development has no policy making authority, all it does is make recommendations and provide information. Mr. Keegan stated that if the Board was willing to accept these changes Mr. Keegan would ask that they make a motion to accept the changes as proposed and they then forward it to the Advisory Committee for further consideration in their process.

Motion by Christopher Mitchell to accept the proposed changes on Article 1 as written.
Seconded by John Gray. **Vote 4-0-0**

Motion by Christopher Mitchell to accept the change the sponsor of Article 2 from the Economic Development Committee to the Board of Selectmen. Seconded by John Gray. **Vote -4-0-0**

8:30pm – Town Manager Update

Mr. Keegan stated that he wanted to read into the record a statement with respect to Monday's decision to the Weldner Dutton case versus the Town of Foxborough.

After a two week trial in the U.S. District Court before the Honorable Judge Douglas Woodlock, a Jury rendered a split decision on the remaining claim against the Town of Foxborough Police Chief Edward O'Leary which had been dismissed last week as a defendant from the trial. The jury ruled in favor of the town on one of the three plaintiff's claims finding no civil rights violation. On the remaining two plaintiff's claims the jury found that they had been unlawfully placed into protective custody and this was done pursuant to a policy practice or custom of the town. The jury awarded one plaintiff \$1 as a nominal award and the second plaintiff \$4,000. The town has always maintained the practice that the police department were lawful and constitutional and in compliance with the state mandated training. The use of the protective custody statute at Gillette is applied to ensure the safety and well-being of persons who have become incapacitated by reason of intoxication. The Town of Foxborough and Chief O'Leary continue to provide a safe environment for all visitors at Gillette and the town. The town is currently reviewing the decision to determine if an appeal should be taken but in light of the decision they will evaluate their policies, practices and procedures to determine any appropriate corrective action. While the decision rendered in this case is not what the town had hoped for, the town will continue to provide the highest level of public safety services at Gillette Stadium.

Given the hundreds of thousands of spectators that attend events at the stadium each year there are only a small fraction of individuals who require a more dedicated level of protective services. The Foxborough Police Department and the supporting departments who assist them at all stadium events do a great job given the level of responsibility they are given. Based on the results of this case it appears that we now have further clarity about how the protective custody statute can be applied.

Mr. Keegan stated that it is possible that they may have counsel in next week to further update the Board if that is necessary but that is the current status of the case. Mr. Gray asked if that was a letter to the Editor in which Mr. Keegan responded that it is more of a public statement that he will share with the press as well so they can understand what our position is at this point.

Mr. Feldman asked if the Board could get further clarity on what this means going forward. Mr. Keegan stated that they are looking for that right now and in a sense what this means effectively is that what the case came down to was the fact that the actions relating to why a person was placed into protective custody was questioned as to whether or not it was appropriate for protective custody given the incapacitation of the person. In other words, a person may be intoxicated but not necessarily incapacitated and that is the standard in which a person can be placed into protective custody here in Massachusetts. That was the basis of this case and it was found essentially that while two people were effectively placed into that category the court found otherwise. They also found the level of culpability was somewhat limited because of the fact that there was a very limited amount of damages applied in this case. What we have is clarification and the town needs further improvement on how they apply the law here in Foxborough and actually across the Commonwealth because now there is a tighter standard which is being measured. There has been very little case law associated with this type of application except when it comes to major criminal cases. No this case is helping to further clarify how we can apply it. The town is looking to take appropriate actions and apply the law as it was intended by the legislative bodies.

Mr. Feldman asked if it would be possible to get a copy of Judge Woodlock's decision in which Mr. Keegan stated yes they will get that and it was a jury decision not the Judge's determination. Mr. Feldman stated that he is interested in reading the brief to see what the thought process was and the award not only for \$1 but for the \$4,000 claim.

Mr. Keegan stated that he also had some important news to share with the Board that they did receive a new Standard & Poors rating on the town's bond status this past week. Mr. Scollins, Finance Director presented the Board of Selectmen with an opportunity to refinance certain bonds based on their level of maturity and the condition of the market at this current time which will also save money to the tax payers. During that process Standard & Poors does a whole evaluation of the town's bond rating every time you go to market so they went out to that process again and the town maintained their AA+ status but what was more interesting is that they raised the town's outlook deposit and that is really significant. The outlook before was stable and they actually increased the deposit which means that more than likely the next step in this process would be to raise it to a AAA rating. That has been Mr. Keegan's experience in dealing with that over the past several years and he thinks that is a very positive step for the town. They were very clear about some of the things that we needed to do which Mr. Keegan is fully aware of and

that is to formalize our policies and by doing that, that will put us in really good stead next time we are evaluated (hopefully next spring).

Mr. Keegan signed the solar contract this past week for the solar field. Construction will begin shortly for the Elm Street parcel and that is another significant milestone for the town. They will be starting to see some of that revenue available for the next budget season which is something that Mr. Scollins mentioned during his budget forecast.

Mr. Keegan wanted to read to the Board something that was shared with him by Deb Giardino, Recreation Director. "On Saturday, October 31, 2015 Foxborough Recreation held its 4th Annual Halloween Parade. This event was open to all Foxborough families and has grown to over 300 families participating this year. The event starts at the Town Hall with the kids and many adults in costumes accompanied by proud grandparents and other family members walking through our town center and trick or treating at the local businesses. The event is that much more exciting for the children as they are led by a fire truck with lights and whistles as they march down the street. Firefighter and Public Education Coordinator Greg Gill was driving a truck as he has done for virtually every parade. Foxborough Police were at the location assigned to them to stop traffic for the duration of the parade. As I was walking ahead of the families she noticed that cars were still coming around the common as families were crossing. The officer assigned to that position had been pulled away for an emergency and left behind an orange fence, but drivers were going around it and around the parade. Firefighter Gill noticing this very dangerous situation pulled his truck across the two lanes by Memorial Hall so the kids could continue safely so the cars could use South Street. Without his quick thinking and action that he took, the parade could have resulted in an accident or at least a tragedy at the worst. I am very grateful to Firefighter Gill for his actions and felt compelled to share this with you. Both Foxborough Fire and Police have always been a great part of the Foxborough Recreation and we appreciate them very much. Firefighter Gill's actions are a direct result of his training and work ethic and the pride he takes in being a Foxborough Firefighter."

Mr. Keegan wanted to say thanks to Debbie Giardino and the Recreation Department for sharing that information with us. It is very positive. Mr. Keegan also wanted to thank Firefighter Gill for his great action there.

Mr. Keegan stated that he has been working with Dave Feldman this past week on the licensing issue trying to get a handle on where people stand that hold existing licenses in town and see how they feel about the current status and whether or not they intend to change their status at some point. They did a survey and sent it out this past week to see how people respond and they are starting to get some of the surveys back so they can get a better feel for what the intentions are. Mr. Feldman stated that the intent is just to collect information and collect data rather than try to throw darts at a dartboard. Mr. Gray stated that he is hoping this request does not raise expectations. Mr. Feldman stated that he had a couple of people reach out to him with that question and he said, "Absolutely not, it is a survey, we are gathering information and there are no promises". Mr. Gray stated while liquor licenses are important and they all agree that they are important to economic development, we are still trying to execute a Master Plan. Mr. Feldman stated that is the other part of this because they want to make sure that all the locations are identified and they are looking at very specific areas and very specific opportunities. They

are basically starting at the beginning and gathering information and they will take it from there. Mr. Mitchell stated that he sees it as a point to reach out to their existing businesses and say how are you doing, these are our plans; how are you, are you all set because if you have an existing person that has been doing this forever and then all of a sudden someone else opens up next door with a brand new license that this person may have wanted. Mr. Keegan stated that is the point and a very good point and he thinks a lot of existing businesses would like to feel as though they have been asked and to at least know that their needs are being met as well. Mr. Keegan stated that he agrees with Mr. Gray in that they don't want to build false expectations by asking that question but at the same time if you don't ask you can also create a scenario where people are saying "hey wait a minute you haven't even asked the local establishments". Mr. Gray stated that it is going to call for a discussion for existing license holders to consider participating in the execution of the Master Plan and it could actually work out. Mr. Feldman stated that it was all designed to create dialog and conversation and gather information. Mr. Keegan stated that he has had one person reach out to him and expressed concern over the fact that he has been here for a long time and why should someone else get a license. That is the nature of the American dream that anyone can apply for a business license. The question is whether or not it makes sense for the town to do that as a community and whether it fits into the town's overall plan of action.

Mr. Gray stated that if he owned a license or had a business that was performing but not great he wouldn't want the town to become saturated with licenses such that no business does well. Mr. Keegan stated that is the balance the town has to look for. Mr. Gray stated that is the Board's job to balance that out when they get to that issue. Mr. Feldman stated yes, but you can't make that decision unless you have the information.

Mr. Keegan stated that in the Board's packet there was a meeting on Norfolk County Aggregation (electricity). There are a couple of communities that have banded together to do community aggregation and Norfolk County had a meeting yesterday in Dedham where they reached out to ask communities in Norfolk County if they wanted to band together to do this. It makes sense because the more numbers that you have the better potential price you can get for the residents in the community for electricity rates. The challenge Mr. Keegan thinks they will have with that is Norfolk isn't really all that coordinated yet whereas other places are and we may be able to jump onto their processes already without having to go into a new process so they are looking at that as an option. Mr. Gray asked if there were counties in the Commonwealth that are organized to the point where they are actually executing this. Mr. Keegan stated that Cape Cod is doing it already and as a county all of Cape Cod did it together (Barnstable County). There are twenty-three communities in Southeastern Massachusetts that just banded together to do it as well. Mr. Feldman stated that basically what you are doing is pulling your consumption and going out to the commodity market and having all of these suppliers bid on your consumption. You lock in a fixed rate and you take away the seasonal spikes that the utility goes from the summer right to the winter rate; you take away that fluctuation and you are actually able to get really aggressive pricing. Mr. Keegan stated that the numbers that they are looking at are actually pretty significant in terms of where the prices are compared to the market that is actually going up pretty rapidly. The challenge is the fact that you have to accept the statute first and we wouldn't be able to do that now until the annual town meeting. Once we accept it we probably wouldn't be able to be part of that process until January of next year so we need to start that

process now. Mr. Gray stated that the Board will need a little more information because if you join a pact like this and things don't go so well. Mr. Keegan stated that you can always opt out. The individual home owner has the ability to opt out. The way it works is that once you accept it, everyone is in but then if you don't like it and you can get a better rate on your own, you can always opt out. It is a pretty flexible statute in that regard. Mr. Feldman stated that the interesting dynamic with electric rates; you see the natural gas prices coming down to historic lows where electric rates are going up and up because most of the electric plants are firing on natural gas right now and there is a bottleneck and there is no pipeline and they just can't get the gas to the fuel tip so without the additional pipelines electric rates are going to continue to go up.

Mr. Keegan wanted to report to the Board that he submitted an application for the Community Compact and it has been accepted so they are waiting to hear back from them on that.

Mr. Keegan will be attending the Massachusetts Municipal Managers Fall Conference beginning tomorrow night at UMass Amherst and he will be presenting on Thursday on the topic of three member boards versus five member boards. Mr. Keegan stated on a statewide level there are more three member boards than five member boards; not by much.

Mr. Keegan stated Dennis Naughton, who was here early tonight expressed an interest on serving on the Housing Advisory Committee and Mr. Keegan would like to suggest that they get him appointed because he would make a good member on that committee. Mr. Keegan stated that he has not gotten a lot of interest on that committee. Ms. Coppola stated that was her question if the committee had been finalized yet because they talked about it in the minutes that the Board reviewed. Mr. Keegan stated that they have been trying to get people to apply and there were applications before and they followed up and no one came back to them. Ms. Coppola asked if they had to go through the Planning Board. Mr. Keegan stated that the Board of Selectmen would actually appoint members of that committee. Ms. Coppola asked if they would work with the Planning Board in which Mr. Keegan stated that they would work with the Planning Board but would not necessarily be appointed by the Planning Board.

Ms. Coppola stated that the Board received a notice of a failure to comply with a Dam Safety Order, Carpenter Pond Dam and Ms. Coppola wanted to know what the town's liability is on that. Mr. Keegan stated that is something that Public Works has been working on so he asked for a status update on that and he is supposed to get one tomorrow from Mr. Hill who has been working on both projects.

Mr. Mitchell asked for a status update of the Leonard Street sidewalks. Mr. Keegan stated that the present situation is that the project is that they finished the final coat of the sidewalks this week but Mr. Keegan stated that there is more discussion to come on that front. He has already had a discussion with Mr. Hill about that and they are going to line that area (fog lines which will help define the sidewalks) but Mr. Keegan is of the opinion (and he has shared this with Mr. Hill) that it has to be relooked at in the spring. Mr. Mitchell stated that it has to be because it is an absolute embarrassment to this town. Mr. Keegan has seen this done once before and it doesn't work. The challenge is to put in a granite curb there is expensive but it is something that we have to look at. Mr. Mitchell stated that this has ruined some property values and there is one house on 23-25 Leonard Street that has an asphalt ramp and has a 2% span to get to their existing

walkway. They at least need to bring the grade of the asphalt all the way back up to where it was because it is an embarrassment and it has to be fixed. Mr. Gray asked if that was how the road was specced out. Mr. Mitchell stated that he doesn't think they had a spec. Mr. Keegan stated that this was one of the projects where the sidewalk was in such difficult condition (concrete before) and they tried to address it by redoing it altogether as one project and it just didn't come out right. Mr. Keegan stated that he has expressed his opinion to Mr. Hill and Mr. Hill stated to let him do some additional work on it to see if they can make it work. Mr. Feldman stated that you can do all you want with paint but it is a grade issue. Mr. Mitchell stated that it is a property value issue because there is asphalt now where there is a hydrant or a telephone pole, instead of staying straight and square they swung it into the existing neighbor's yards. When Mr. Mitchell had his business there was one house there that they spent a fortune paying him to put their lawn in and their lawn is ruined now because of the town. It is a property value issue and an embarrassment. The amount of money that we get in to spend on roads and sidewalks and that is the finished product; unacceptable. Mr. Keegan stated that unfortunately is the exception to the rule. Mr. Keegan thinks there has been a lot of great work done all over town and that unfortunately is one that is a blemish. Mr. Mitchell stated he thinks that is why it sticks out so much because of that. Mr. Keegan stated that he wanted to temper that comment because a lot of people have been very happy with a lot of the work that the town has done and that is one of the areas that he thinks we can do a better job.

Ms. Coppola asked if that was a company that we have done business with before. Mr. Keegan stated no, that is how we designed that and it was not the company's fault. Mr. Keegan actually drove and saw it himself and knew it was not going to work and they are going to have to address it. Mr. Gray stated that if we go through a redesign that means the residents on that street are going to have to go through another summer of construction. Mr. Keegan stated that he is hoping it is not going to be a long duration because the road itself was the major project and that road was in tough shape and took an awful lot of work to get it into shape. Mr. Gray asked if they had to just address the shoulder in which Mr. Keegan stated the shoulder and the sidewalk. He has seen this done before and it hasn't been all that disruptive. Mr. Feldman stated that we need to make sure that they don't start in July and finish in November. Mr. Keegan stated that this is a project that has to be mapped out because that is very detailed and requires a lot of time and unfortunately the reliance we have been having with contractors, you can't always get them back as quickly as we would like to and we end up doing some things ourselves. Mr. Keegan stated that we have a very limited crew to do that kind of work. We are in a situation in town that we have the ability to get it done but we don't always have the resources to get it done and that is the challenge that we face sometimes. Our guys do a great job and Mr. Keegan isn't belittling them but sometimes not every solution is the right solution.

Ms. Coppola stated that there was a question that granite curbing was done on Chestnut Street and not on Sherman Street, is there a criterion for when you put granite in and when you don't. Mr. Keegan stated that in that case there were additional resources available because there was a water line put in there as well so they were able to use some water money to help offset some of the costs of doing that. They were able to pool money together to get that curbing in; you don't have that situation over on Leonard Street. Mr. Keegan stated that this is what may be needed here and they will have to look at that. Mr. Mitchell stated it doesn't have to be granite on Leonard Street and Sherman Street, if it was regular asphalt and it is the grade issue; if it was

brought up to where it originally was and a normal size berm put in, the asphalt would work. Mr. Keegan stated that he will go out and look at it again and talk to the Town Engineer.

8:40pm – Assistant Town Manager Update

Ms. Bernard stated that they are rounding out three contracts that they were hoping to get to Ad Com sooner rather than later. They should have news on one next week to bring to the Board for the December 1, 2015 meeting and with any luck there may be two that they bring to them. They are trying to really move forward and continue on their progress with that. They are also opening up negotiations for two new contracts for the FY17 season.

We have two open positions right now; Firefighter/Paramedic and a Water Technician for the Water Department and those close on November 20, 2015 so if anyone is interested the job posting is on our website. They are also going to be looking for a person to take minutes for the Economic Development Committee and Ad Com. If anyone is interested, it is about a four hour commitment and it is something where you have to attend the meetings and you have to have some attention to detail. If anyone is interested look for that job posting on our website tomorrow.

Ms. Bernard just wanted to thank the local YMCA Hockomock for partnering with them. They have entered into a partnership for a Workplace Wellness Program and as a result they are giving all town employees a 10% discount off membership and 50% off the joining fee. They are also offering all Veterans no joining fee for the month of November. They are partnering with them and they hope it is at least a yearlong partnership to create some wellness programs for town employees.

Motion by Christopher Mitchell to adjourn at 8:57pm. Seconded by John Gray. **Vote 4-0-0**