

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
NOVEMBER 3, 2015

Members Present: James J. DeVellis, Chairman
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
Mr. Christopher Gallagher, Town Engineer
Mr. Ron Bresse, Planning Board
Ms. Gaby Jordan, Staff Planner
Mr. Joel Angelico, Stadium Advisory Committee
Mr. Mike Ashapa, Stadium Advisory Committee
Ms. Jess Enos, NPS, LLC
Mr. Phil Buttafuoco, NPS, LLC
Attorney Peter Tamm, Showcase Live/Showcase Cinema De Lux
Ms. Kim Davies, Showcase Live
Mr. Kevin Dipaula, Showcase Cinema De Lux
Chief O'Leary
Attorney Greg Demakis, The Country Store
Mineshkumar Patel, The Country Store
Mr. William O'Brien, The Country Store

The meeting was brought to order at 6:50 p.m. by James DeVellis.

A motion to adjourn and enter into Executive Session to approve the October 6, 2015 and October 27, 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 5-0-0. Roll Call Christopher Mitchell – yes, James DeVellis – yes, John Gray - yes, David Feldman – yes, Virginia Coppola – yes**

James DeVellis read the agenda.

7:00pm – Citizen's Input

No one was present.

7:05pm – Selectmen's Update

Mr. DeVellis thanked a number of boards that got together last week: Planning Board, Selectmen, Route 1 Businessmen, Board of Health and Water & Sewer. This was their third

meeting to discuss what was going on at the center of town with respect to selling property and bringing sewer to the downtown area. A few people have marching orders and there is no date set for the next meeting but he thought it was productive and there is starting to be a lot good sharing of information.

To update the town, the Board of Selectmen had Executive Session last week and that was on the Weldner Dutton case which has been going on for several years now on the potential civil rights violations for protective custody. Those hearings are starting this week and the Board of Selectmen, Public Safety and the Town Manager are pretty involved in this. They will try to keep everyone updated on this.

If anyone is not doing anything Thursday morning, from 8:00am-10:00am at Memorial Hall the Civil War Statue is coming back. Special thanks to Jack Authelet and his group at the Historical Commission they did some great work with the statue.

Mr. DeVellis knows that Mr. Keegan and Ms. Coppola went on the tour of Route 140 yesterday and Mr. Keegan will update everyone during the Town Manager's Update.

Mr. DeVellis wanted to thank a number of board members from the different boards and committees in town and a lot of residents came to the tour with the Kraft Group. Thanks to the Kraft Group for setting this up last week. It was an opportunity to walk around the stadium for an hour and see all of the things that have changed over the last couple of years. It gave the Board of Selectmen an opportunity to see the items and the changes and ask some good questions. They discussed at the end of the meeting maybe to have this as a yearly event where new committee members (Advisory Committee, Board of Health, etc.) gets firsthand knowledge of all of the different venues up there.

In January the hope is to get a community wide outreach for the people in town to talk about the heroin opioid issue that is going on; it seems to be getting worse. Mr. DeVellis has been speaking to a lot of different people and they are hoping to get representation from their department heads to see where they are and what their feelings are as well as some community activists. Mr. DeVellis had a nice discussion again with the owner of Roberts Funeral Home, Margaret Roberts and she basically said that she hasn't seen anything like it and it is getting worse. She said she would participate in that as well. Mr. Feldman reached out to some people in the profession to come and the Board of Selectmen will keep reminding everyone and hopefully there is a good showing from all the public safety and different people around the town.

Congratulations to the Foxborough High School Football Warriors, they are still undefeated. This Thanksgiving the game will be in Foxborough and this is going to be their third year reaching out to all the veterans in town so if you are a veteran or someone in your family is, they are going to try to provide them again with a turkey and tickets to the football game. They will purchase tickets and a turkey before Thanksgiving and have a chance to get under a tent and have some coffee and donuts at the Thanksgiving game. Please make your checks out to the Foxborough Touchdown Club not the Town of Foxborough.

Mr. Mitchell met with the residents of Gilmore and Fales Place last Thursday and they are talking about putting something on the agenda at the next meeting. They came up with a plan that they all thought was doable and they have some other concerns that the Board of Selectmen need to address. It was a good, productive meeting. About 20 people were there (8-10 from each street). Mr. Mitchell let them all talk/discuss and then they as a group came up with one plan that would appease everyone. Mr. Mitchell stated that with the preliminary results Mr. Hill thinks they can do it so it needs to be discussed and see if that is the route they want to go.

7:10pm – Discussion and Action relative to Proposed Mediation with NPS, LLC regarding Stadium Leave Payment Dispute – William G. Keegan, Jr./James DeVellis

Mr. DeVellis stated this will be the discussion that they have been going back and forth on, on the Optum Lounge with respect to the lease and where they are with that. Mr. Keegan stated the Board of Selectmen knows they have been trying to figure out a way to resolve this matter so they met this past week with the Kraft Group to talk about some possible resolutions. What has happened is they talked about some options in resolving this. As of today Mr. Keegan thinks they may have reached some middle ground on this whole discussion.

Mr. DeVellis stated that he will open it up to the Board of Selectmen for discussion and just in context to refresh the Board and let people know what they are talking about; back before the season started the Kraft organization came to the Board of Selectmen for a modification in their liquor license for the Optum Lounge and what it required was taking out somewhere between 1,500-2,000 seats from the South End Zone and replacing it with different types of seating that you would purchase if you were a season ticket holder. When they came in front of the Board, the discussion was around the liquor license and how the change in venue would affect their existing liquor license.

There are two issues; one is their liquor license which went forward; they were not held up and it was constructed and working beautifully. The other issue is in simple terms, the Stadium does not pay taxes on the stadium property area so what they have is payment in lieu of taxes. The payment instead of the flat taxes like most of us pay is predicated on ticket sales. That lease was set up in the year 2000 and it is a thirty year lease which we are fifteen years into it. When the modification of the liquor license came through the Board of Selectmen they said they would revisit the lease agreement. The Board thought they would do a spreadsheet on how many seats would be lost times that dollar change to compensate for the taxes. If you read the lease, it is pretty lengthy so they reached out to their town counsel, Pat Costello and he was told to read the lease to see if money was owed or if this whole thing was in the +/- of the lease. Attorney Costello prepared something for the Board of Selectmen that basically said in his opinion as legal counsel there is a reason to believe that payment should be made in some order for those seats that were lost. He also said there was a little bit of a gray area for the reason being when this lease was drafted fifteen years ago the entertainment venue has changed quite a bit with respect to the turf field and the number of events; everything doesn't fit and from time to time past boards have come up against this and they had an addendum to address some of the changes. Mr. Keegan stated that essentially the business model was different than it is today.

Mr. DeVellis, Mr. Keegan and Attorney Costello met with the Kraft organization this week and a couple of things that bothered him (not with the Kraft Group) was that if this was ignored, they still have fifteen years on the lease so what would happen in five/ten years. One way or the other their goal was to address it and see where that change can be accommodated in the lease. Their position based on town counsel was there are some monies due in recognition that it is a change of the lease. On the other side, the Kraft's thought the opposite and those type of changes were in effect addressed in the lease and there was no more monies owed. They also wanted to recognize the fact that there are other ways to make money there with the meals tax and more venues and things. It was a decent, professional discussion but at the end of the day they were on different sides. They made an offer and Mr. DeVellis and Mr. Keegan don't have the authority to accept it, but stated that if it was okay with the Kraft organization he would bring it back to the Board of Selectmen for their approval. For the money they were talking about (\$30,000 per season +/-) with attorney fees, aggravation and the loss of good will, if there was a way that they could compromise what they put on the table and split it down the middle the town would not recognize \$15,000 and the Kraft organization would pay \$15,000. This wasn't accepted right away and from what Mr. DeVellis understands, yesterday they came back and they said there is an opportunity to meet in the middle and let's put this to bed one way or the other. No one is disputing the fact that the changes they are making up there whether it be the Optum Lounge or super boxes is a phenomenal stadium and successful; but is there a way that we can look at this lease again and have it realize some of these changes so they are not doing this all of the time and with the understanding that if they want to change the lease they would have to go back to town meeting and physically change it because it is a tax change.

Mr. DeVellis wanted to have this discussion with the Board and his thought process was that what he thinks they are saying is that they will come up with half the money and let's put it at bay until the end of the season and between now and town meeting is there a way that we can work together to revisit the lease and maybe make it more lucrative for both sides. At the same time if they could make the process a little more streamline for things like billboards and sewer rather than going to all the places, have it addressed in the lease so when an event comes or development comes it is realized a little quicker on both sides and some of the anxiety goes away. That is where Mr. DeVellis left it with Mr. Keegan and Attorney Costello and he put it on the agenda.

Their choices are they agree with Attorney Costello and they go towards litigation/mediation or they can split somewhere in the middle. Mr. DeVellis also wanted to get the Board's thoughts on if there is any appetite to tie this into the lease in a broader perspective and work over the next six months to get that done.

Mr. Keegan stated that it is clear that their business model is changing and evolving as time moves on and that there is a lot of competition involved with that venue just as any other venue in the NFL throughout the country. To the credit of the Kraft Group they are evolving with the industry and they are looking at this as an opportunity of if they have to change that means that the agreement that they put into place roughly fifteen years ago means they may have to change that going forward so that the town continues to realize its financial gain just as they do in the process. Mr. Keegan stated that going forward they have to work cooperatively to achieve that and this is an opportunity to open that door, have a conversation and help resolve the issue that

they have outstanding right now for a middle ground and also the fact that the town is not 100% right and they are not 100% right. The point Mr. Keegan made during that discussion is if they go to mediation they would probably come to the same point anyway. By coming to this point in time with the resolution that is on the table it is a good place for both of them and it shows good faith on both sides. Mr. Keegan thinks it is more important that they get to the bigger discussion and that is to look at the terms of the existing document and start looking at some of the ideas that they may have looking into the future about what they would like to do and see how that matches with the existing language and see how they can make that work going forward for both sides. Mr. Keegan continues to believe as well as Mr. DeVellis and the Kraft Group that this is the beginning of an opportunity where they can actually continue to grow that business and both the town and the business can grow financially at the same time. It is an opportunity for them to really take a step back, look at it and see if they can come to terms as to what makes sense for both sides.

Mr. Gray stated that a number of weeks ago he called Mr. Scollins and Mr. Scollins talked to Mr. Casbarra and he just wanted to understand where the footprint of the towns land is. From what he understands the Optum Lounge and the Hall of Fame are on town owned land yet they don't derive any benefit at all from it. Mr. Keegan believes Mr. Gray is talking about the Cross Pavilion. Mr. Gray stated that the whole spirit of the payment in lieu of taxes was that if a business venture was put on town land just like the stadium was that the town would somehow share in that appropriately and these two items have been left out. Shame on the previous boards for not pointing that out as they were approving the build. As far as meeting them halfway, it is hard to look into a crystal ball and say "what does the future bring". Obviously the business model has changed and he wants to caution everyone because if they get this wrong it will spiral out of control because they are trying to understand what the business model will be in the future. It looks like it is more about entertainment and less about football so when you read the lease it talks about people getting revenue for people sitting in a seat but it does have language that it could be other situations where you don't necessarily have to be sitting in a seat and that's why Mr. Gray thought the town was in the right when they told them that they changed the footprint of the stadium. They are selling the Optum Lounge for a lot of money and yet the first time they brought it up to the Kraft's they said no. This afternoon they called and stated that they would meet them halfway because they knew that the Board was going to be talking about it tonight. Mr. Gray is glad that they are talking, it is fantastic and he thinks they are getting closer as time goes on to actually working cohesively rather than at arm's length. There are some risks that the Board needs to think about and work through even at this particular junction to make sure that we get this right.

Mr. Feldman stated that he sees this as an opportunity. You see what is happening on Route 1 right now and the development opportunities that are there today didn't exist fifteen years ago, that is obvious. With people moving, Providence building out and Boston being built out and here Foxborough is right in the middle. They have three hotels going up all around us and we need them need to be able to work with them. The Board's job is not predicated on the future but their job is to come to language that protects the town going forward and take out the gray area and if that means looking at the lease and putting in provisions as their business model changes, the town's finances will change on the plus side with that. The fact that they are talking is only a positive. Through dialog they can accomplish a lot because if they stand back and point

fingers nothing gets done and when you get the lawyers involved and start pointing fingers nothing good comes out of that. The fact that they are willing and the town is willing they should take advantage of that opportunity and just say that the lease is the lease. They can battle about the gray areas and the things that they don't agree on in court but no one wins in that. Mr. Feldman sees this as an opportunity and he thinks they should focus and try to work together and identify what they perceive as gray areas and try to eliminate those and move this forward.

Mr. Gray stated that if they were to agree to this middle ground that would have to be an addendum to the lease and would that have to go before town meeting? Mr. Keegan stated that they didn't talk about that. Mr. DeVellis stated that it would be more of a Memorandum of Understanding. Mr. Keegan stated that this is an interpretation of the existing lease. Mr. Gray stated that they had said for that particular bank of seats they were making an agreement which both parties would sign that would be a change to the lease or a change to the contract. Mr. DeVellis stated that what he was thinking was they have a shot to work this and if they can't work through this then Mr. DeVellis is in the position of picking up the lease and saying you are in violation of the lease because that is what our attorney is saying. Mr. DeVellis stated that if it goes where they can figure out some common ground and change the lease then that lease would have to go to town meeting so it is the gray area in the middle. To get that gray area fixed the \$15,000-\$30,000 would be eaten up in a couple of months and then they would still be dealing with the same thing. Mr. Keegan stated that it is an understanding by both parties that they are going to resolve their differences over the interpretation of the agreement and this is a resolution to that. What this does is open the door for further discussions on the broader scale of the lease itself to get to terms that really make sense going forward. If they do amend the lease, ultimately that will have to go to town meeting for final approval. Mr. Gray stated that he understood that part but wanted to know if this would be an amendment to the lease in which Mr. Keegan stated that it would be a Memorandum of Understanding on both sides of how they interpret it for the time being.

Mr. Mitchell stated that he thinks it is a great settlement given all of the circumstances and he thinks putting that behind them and they should put their energy into working with them and work on renegotiating. He is not positive that if you throw all of the billboard and water things into that it won't get done before the May Town meeting. Even if you just use the stadium and not the other things he still thinks that is pretty aggressive but he would rather get \$15,000 than spend \$30,000 in litigation. Mr. Keegan stated to be clear about the fact that the billboard issue is really a different board than this board. In the spirit of the discussion that they were having there are some outstanding issues that need to get resolved. Part of the discussion was to move forward on those fronts as well and get those things resolved. Ms. Coppola stated that those issues should be handled completely separately. This town has had a history of MOU's with the Kraft organization and she doesn't think they have come out as well as they should have. She would look at the billboard issue and the seat issue completely separate; no MOU's combining these things. Ms. Coppola stated that the billboard issue is with a completely different board and she doesn't think this board has the right to make it part of this. Mr. DeVellis stated that if there was an opportunity to streamline a process it would be with the Water & Sewer Commission, the Board of Selectmen and the Kraft organization to try to collectively do this and anything that is out there worth talking about. Ms. Coppola stated that her concern is it is setting a precedent and she thinks what they are talking about is just taking care of this year but she is thinking about

going forward. If we are going to look at the lease again she wants to be able to look at it for the benefit of the town. Mr. Keegan stated that is their goal as well. This is a beginning that is all it is, it is an opportunity to start. They want to get the process started now. Mr. Keegan stated that he wants to be clear on this that it is a beginning and an opportunity to start and it would be in their collective interest to get the process started now and work with the understanding that they are starting off on a good foot and let's get going from here. Ms. Coppola stated that if they start this then they have to continue with this in a timely fashion because they have been going through this for months and it has been constantly delayed. Mr. DeVellis stated that what he envisions is someone from the Board of Selectmen, Planning Board, Town Counsel and management getting in a room and saying what are they thinking. Mr. DeVellis would bow out if there was a group that could move forward and get the dialog going. At the end of the day they are not doing a disservice ignoring Optum with respect to the lease because if it is not resolved something different will come up a board or two from now and they will be kicking themselves that they didn't handle this in 2016. Either we make a change to the lease, fight over it, or change the lease to go to the future but he thinks it is worth pursuing. Ms. Coppola stated that when they did the tour for Gillette Stadium there were a good number of people there and a number of people took her aside and stated that they agreed with her in regard to the Optum Lounge; they took an awful lot of seats out; that is tax money and he pays his taxes. Ms. Coppola stated that it is just not the Board that is thinking about this, this is something that the people of Foxborough are very aware of.

The Board of Selectmen agreed it is worth pursuing.

Mr. Gray stated that it would be helpful if someone could draft language and the money and how it will be bolted onto the lease, have counsel review it and then bring it back to the Board. Mr. Keegan stated that Mr. Gray's instruction would be to ask Mr. Keegan to work with town counsel to draft language working with counsel with NPS, LLC to help resolve the current situation and to set up a framework for discussion going forward. Mr. Gray stated yes and in it try to define what the left side and the right side are doing so they know what meeting half way really means. Ms. Coppola stated that their town counsel should be very involved in the writing of the lease, it shouldn't be one sided and then the Board reviews it.

7:35pm – Request to Spend Funds – D. Treannie – Foxborough Planning Board - Chris Gallagher, Ron Bresse & Gaby Jordan

Mr. Gallagher stated that they are here to discuss Sumner Estates which is Rothchild Drive off of Summer Street which is a small subdivision (2-3 houses). The Planning Board has worked with the developer over the last 1+ years setting deadlines to complete the work and those deadlines have come and gone and the Planning Board has pulled the bond for the project and they are here with an estimate of roughly \$16,000 to complete the punch list items and to take care of some problems to complete the project. There was an E-Mail that came in from Don Treannie, the developer, earlier today with a schedule and he was doing some sidewalk work yesterday and does have paving on the schedule for Thursday. With the approval of the Board of Selectmen tonight Mr. Gallagher is going to start to work with contractors (people that they have under contract already) and some other contractors to complete the work. If Mr. Treannie gets to it before Mr. Gallagher does, then they won't spend the bond money and the work gets done either

way. Mr. Gallagher knows that the Planning Board has gone through the steps and has given time to complete the work and the residents on the street have put up with a lot so the three of them are before the Board tonight to complete the project.

Mr. Bresse stated that he hopes the Board does vote in their favor tonight. They are doing this for the benefit of the taxpayers that live on the street. The street has been unpaved for a year and a half with raised structures and they would like to complete it before winter and this is their opportunity if he does not fulfill his obligations. Ms. Jordan stated that there is a family that has been there for 8 years and they have put up with a lot of work that has not been finished. They would like permission from the Board of Selectmen so they can get on the list for the paving company if they have to wait another two weeks for the next Board of Selectmen meeting it might be too late to get on the list to do the paving before the beginning of winter so they appreciate the Board's help.

Mr. Gray stated that it is leverage and he is in favor of it.

Mr. Mitchell asked if they have time to get it paved in which Mr. Gallagher stated yes, they are at the end of season and this month it is dependent on the weather. Mr. Mitchell asked if the Board approves the total amount and come Thursday he does a good amount of it does the Board have to revote. Mr. Gallagher stated that the Board would vote the total amount (on the spreadsheet). There are trees that have been planted that when they came off the truck they looked like they may be healthy and do well and they didn't do well this summer. That is another item along with the retention basin for the storm water; Mr. Gallagher doesn't know if it has been maintained since it was installed. The weeds are taller than he is so that needs to be taken care of as well. They will only spend what they need to; if Mr. Treannie paves Thursday then they will not spend that \$12,000. Mr. Mitchell asked if he would then get the rest of the money back in which Mr. Gallagher stated yes.

Mr. Feldman stated that he is fine with it.

Ms. Coppola stated that she is fine with supporting this.

Mr. DeVellis stated that he had talked to Ms. Jordan about it this week and he has the background. The town has been plowing that road even though the structures are raised and it is not completed in which Mr. Gallagher stated correct. Mr. DeVellis asked if this was not the Planning Board policy. Mr. Bresse stated that it is an act of good faith on the town because you can't leave taxpayers without safe access from their residence so if the developer doesn't plow the roads the town does take care of it. Mr. Gallagher stated that his experience has been for public safety reasons when there are residents if there is no prior agreement with the developer to maintain the street and plow the street, the town does plow those roads. Mr. Gallagher stated that they have been in discussion with Mr. Keegan and Mr. Hill and at a minimum have waivers put in place to hold the town not liable for any damages which they are working on several developments right now. Mr. Keegan stated that the goal is to clean them all up so they don't have any issues and everyone here is working to try and achieve that goal. Mr. Keegan reached out to the developer himself and told him that we need to have this resolved and obviously we don't want to be here tonight doing this but this is the last straw. Mr. Treannie has assured him

that he will get this work done and it is scheduled to be done this Thursday and there are other items that still need to be addressed but as far as the major piece, the paving piece that is scheduled for this week.

Mr. DeVellis stated that there is \$19,000 held in escrow and they are only requesting \$15,900 of that bond. Mr. Gallagher stated that is what he estimated to complete the work so that is what they are looking for tonight.

Motion by Christopher Mitchell to allow the Planning Board to take from the bond held in escrow the amount of \$15,926 to complete Rothchild Drive. Seconded by John Gray. **Vote 5-0-0**

7:43pm - Public Hearing – Alumni Game – Joel Angelico, Mike Ashapa, Phil Buttafuoco, Jess Enos

Christopher Mitchell read the Public Hearing Notice.

Mr. Buttafuoco stated that this application is for the NHL Alumni game that will be played between the Boston Bruins and Montreal Canadiens and their respective alumni. Hopefully they will find out in a few weeks who those actual alumni are that are coming back for the game.

This game will be played at 3:30pm; the gates will open at 1:30pm and the parking lots are scheduled for 11:30am. The anticipated crowd is approximately 50,000 and this ticket is tied in with the Winter Classic ticket so when you buy a ticket for the winter classic you will also get the Alumni game ticket in the same price. The prices do vary from \$99-\$439 for two games. There will be a spectator plaza which is basically a fan festival in Lot 22 associated with the game that the NHL will coordinate, manage with their sponsors and other affiliate organizations. They do plan to serve food out there and will also apply for a one day liquor license. Prior to the alumni game both the Bruins and Canadiens would practice on the ice and they would change over for the game itself. After the game (approximately 2 hours) they would have rehearsals for the Classic itself. Although it is only a two hour game it is a long day from an operational standpoint with the rehearsals post event.

They will operate this game just like they do a Patriots game from a full stadium standpoint; security, parking, details, state police, Chief O’Leary and Chief Hatfield’s operations and all of the normal full stadium event. Ms. Enos stated that they will be building an ice rink on the field. They have been pleasantly surprised in the planning process thus far from a timeline standpoint and even public safety from having staff on site whether it be Fallon Ambulance or Foxborough Fire, it actually mirrors a full stadium stage build almost exactly right down to the protective services that they are putting down on the field first. They didn’t know going into it that it was going to be essentially the same operation but it has been helpful in giving them a template that they already have in place; they already know how to operate and operate really smoothly that is exactly what they are going to plug and play for this operation in getting the ice up and running on their field.

Mr. Buttafuoco stated that the process of building the ice will start immediately after the December 20, 2015 Patriots game so literally that night they will start laying the matrix on the field and start the conversion over to the ice so it will take a good 10 days to build the ice surface and build all of the atmosphere around the stadium that the NHL is planning and all from just the atmosphere and experience standpoint for the fans. There will be a lot of activity at the stadium leading up to this event but as Ms. Enos stated they will be staffed and he knows that Chief Hatfield has already had conversations with the NHL staff regarding the build out.

Mr. Angelico stated that one thing that must be noted is that in the event of extreme weather the alumni event will be canceled and he doesn't know how the Board will handle that but that is one of the caveats to this. Mr. Keegan stated that there is no rain date for the alumni game but there is a rain date for the hockey game.

Mr. Ashapa stated that this is hockey at the stadium which is something new and a different type of crowd who is unfamiliar with the parking lots and unfamiliar with the stadium. It is incumbent upon team ops to make sure that they are manned up 100% to handle this crowd. It is New Year's Eve followed by New Year's Day and start working on the people now. Mr. DeVellis asked if they had a full team ops operation in which Mr. Buttafuoco stated it is a full stadium operation. They have had numerous conversations with the NHL staff already from a staffing standpoint their expectations of what they have seen and experienced at other venues in past years and they plan to operate just like they do a full Patriots game.

Mr. Keegan stated that from a logistical perspective what Mr. Ashapa is referring to is that are you going to be having any logistical issues getting people to work because of the dates they will be playing. Ms. Enos stated that they have hosted events at the stadium on New Year's Eve before and they have hosted Patriots games on Christmas Eve before so on a staffing standpoint they are not concerned; they have practiced this in the past and they have different incentives and different ways in which they make sure their staffing is at full deployment. Mr. Buttafuoco stated that the feedback from a number of their employees is that they are very excited about this because it is so unique. Mr. Buttafuoco knows that their staff has already been working on staffing for both dates.

Mr. Keegan stated that the only question was the rain date for the Alumni game because that does present a logistical nightmare if it does get canceled because everyone will be deployed and so the question is when will it be called so they understand when people will be called back. Mr. Buttafuoco stated that the conversation is all about weather and it is whether it is too much rain or too much snow becomes a factor so it really does depend on the forecast so it could be a decision made 24 hours in advance or it could be a decision made 6 hours in advance based on the actual weather situation. There comes a time when there is too much snow and you just can't skate and if the snow falls faster and harder than the forecast led them to believe that decision could be made closer to game time than they would all like.

Ms. Coppola stated that it might be snowing very hard in Foxborough but not in Burlington so how will they be notifying people if the game is canceled; are they capturing E-Mail addresses. Mr. Buttafuoco stated that they have contact information for everyone that has purchased tickets.

Mr. Gray stated that the insurance is subsections of the Great Divide policies and endorsements attached to the back and he wanted to know if there were any changes to the applicant's current insurance policy that the Board should be aware of in this language. Mr. Keegan stated no, he actually had that language reviewed by the staff at MIAA to make sure that the language was consistent with the language that they have used up to now and it is the same language so that was merely put in there as an addendum for the licenses. The Board has been asking for that information to be put in there because it is just as important that we have it but he actually had that language reviewed by MIIA and MIIA had stated that any time there is a question that they would review it. Mr. Keegan spoke to their vice president today and he said he personally reviewed it and it is fine. Mr. Gray just wanted to make sure that something changed in the policy that they should be aware of. Mr. Keegan stated that it is the same.

Mr. Feldman stated that being that it is New Year's Eve do they have a time established yet of what time the parking lots are going to close. Mr. Buttafuoco stated that the lots are scheduled to close 2 hours post game so roughly 7:30p.m. Ms. Coppola stated what happens if people decide to after the game go to Bar Louie's to celebrate New Year's Eve. Mr. Buttafuoco stated that they can't stop that if they are going to spend time and money at Patriot Place. Ms. Coppola stated that when they say that the parking lot is closed 2 hours afterwards, what does that mean. Mr. Buttafuoco stated that effectively there is no tailgating after that time period and they also especially across the street start moving people out if they are hanging around their cars. If the car is parked and someone is spending money at one of the Patriot Place restaurants they can't move that car. Ms. Coppola stated when they say the parking lot is closed it just means that people can't hang around there in which Mr. Buttafuoco stated correct.

Mr. Mitchell stated that the only thing he noticed was the Walpole Police's concerns of that size of a crowd and he is assuming that the stadium will work with them. Mr. DeVellis stated that they had correspondence more for the second hearing and this one they said they didn't expect problems but they do want communication and work together for the second one. Mr. DeVellis asked if they received that correspondence from the Walpole Police Department in which Ms. Enos stated yes. This will be similar to any full Patriots game that they have and they do work with Walpole whenever they have a concern. Mr. Gray stated that was his point, it is a full stadium event and they will have to deploy Walpole resources to manage it the same as they always did.

Ms. Vasile stated that she knows for concerts that people cannot tailgate without a ticket; the ticket per person for each car. She doesn't know if that is true for football games but she was wondering if it were true for this one or can anyone get into the tailgating parking lots regardless of if they have a ticket to the event. Mr. Buttafuoco stated that the intent was to allow anyone into the parking lots and certainly the NHL with their spectator plaza in general allows that to be open to any hockey fan that wants to come and enjoy those activities so the intent was not to require tickets to park. Mr. DeVellis stated that with the understanding that it is such a unique event you will probably get more people to come to that than you would to come to a tailgate for football and not go in and watch the football game. Mr. Mitchell asked if the plaza would be open throughout the Alumni game in which Mr. Buttafuoco stated that it is open starting when the parking lots open and it closes when the game starts. Mr. Gray asked if Chief O'Leary was aware of that in which he responded that it is common practice for most of the events, the only

ones that they have issues with is the Country Music Festivals and the Chesney concerts and that is when they have parties involving under aged drinking and it has been fairly successful in reducing the numbers that they have had to deal with in the parking lots. He doesn't think the audience will want to see under aged kids because they are not going to be able to afford the tickets. Ms. Coppola asked Chief O'Leary if he just said that it was only for the Chesney and Countryfest that you need a ticket to get in and Chief O'Leary stated correct. Ms. Coppola thought it was for every event that has music; that was the understanding that she had. She has asked that a number of times at the hearings. The whole idea is when you have a concert with music if you can get in there without showing your ticket then you can listen to the music while it is going on inside the stadium. That was the whole idea of requiring that you needed a ticket to get into the parking lot. Ms. Enos stated that she didn't know if the Chairman wanted them to discuss past concerts. Mr. DeVellis stated that the question is if you come to this event or the hearing after this one without a ticket inside a car can you tailgate and you are saying that you can and the Chief is saying that it has been the past practice and Ms. Coppola remembers it differently. Ms. Coppola stated that she remembers asking a number of times is a ticket required (for concerts) to get into the parking lot. Ms. Enos stated that they operate a parent pick up/drop off location for their One Direction concerts and for Taylor Swift. There are a lot of different factors in play for different concerts and what they do is really treat them all individually. Ms. Coppola stated that this was not the understanding that she had; she asked a number of times and after a while she stated that "this is what they always do so I don't have to ask it anymore"; so apparently she has to ask it every time. Ms. Coppola stated that she thinks it should be a requirement that if you are going to go to the stadium and a concert is playing then in order to get into the parking lot you should have a ticket to get into that parking lot. Mr. DeVellis stated those are concert discussions. Ms. Coppola stated then it will be discussed the next time that they have a concert and she hopes the Board of Selectmen will support her in this requirement. Mr. DeVellis stated that for tonight's discussion on this, the logistics of people coming to the Classic match and a car comes in with 5 people you don't check tickets to make sure that 5 tickets are there, you let them in. Mr. Gray stated that now that they have talked about it, have they given any thought to how many people who are not going to be attending the event, in other words that don't have tickets will be showing up. Mr. Buttafuoco stated that it is so hard to get a feel for it, it is a unique event but they also all know that traffic on Route 1 stops a lot of people from shopping at Patriot Place on event days so it is very hard to gage. Mr. Mitchell stated that where it is a holiday people have plans and if they aren't going to go to the game he really doesn't think that they will be there. Ms. Enos stated that there is a fee in place and that you still have to pay to park; it isn't an open parking lot and it isn't an open site. Mr. Keegan asked if the tickets have all been on sale yet in which Mr. Buttafuoco stated that they have gone on sale. Mr. Keegan asked if it has been sold out yet in which Mr. Buttafuoco stated not yet.

Motion by Christopher Mitchell to close the public hearing. Seconded by John Gray. **Vote 5-0-0**

Mr. Gray stated that in reading the letter from Chief O'Leary he said that it is a new venue, never been tried before and there is probably some uncertainty as to how it will come out. It has been done at other venues across the country and it really is a great event. He does have concerns about more people showing up than you are prepared for. Mr. Gray thought the same way as Ms. Coppola that you would have to have a ticket to get in. Chief O'Leary's summary was that

he supports the event albeit he is accepting the fact that there may be some challenges. Mr. Gray will support the event.

Mr. Feldman stated that being the time of year chances are hopefully it will be cold and if people do show up they are going to watch the game at Bar Louie's, Splitsville or Skipjack's and he just sees it as more opportunity for people to enjoy the fan fest in one of the restaurants.

Mr. Mitchell stated that Mr. Feldman brings up a good point that people going to those other establishments to watch and he hopes Chief O'Leary and everyone will come up with a really good security plan just because it is New Year's Eve when a lot of the amateurs are out there. Other than that everything is in order and he thinks it is a great opportunity for us to have it here.

Mr. DeVellis stated that he also shares some concern that was brought up by the Stadium Advisory Committee which is the fact that it is a one-time opportunity and it hasn't been done before and he doesn't know what to expect. He assumes between the Police Chief, Fire Chief and their experience they are prepared for the unexpected and they can adjust and accommodate when it happens but this is a case where he is not sure what is going to happen. It is a positive thing to bring that venue here and the crowds and the opportunity but it is just caution that he doesn't know what it will bring.

Motion by Christopher Mitchell to approve Winter Classic Alumni game for December 31, 2015. Seconded by John Gray. **Vote 5-0-0**

8:05pm – Public Hearing – Winter Classic – Joel Angelico, Mike Ashapa, Jess Enos, Mr. Buttafuoco

Christopher Mitchell read the Public Hearing Notice.

Mr. Buttafuoco stated that this application for the 2016 Winter Classic game he will say that they have worked for five years to attract this event to Gillette Stadium. It is a one time a year event so they are honored to host this prestigious event. Besides the Stanley Cup it is the most prestigious event of the year. The NHL staff has hosted this similar event in Buffalo, Chicago, Pittsburgh, Washington, D.C. and at Fenway Park several years ago so there is a lot of experience from their standpoint. They have site visits with their staff frequently, in fact tomorrow there are 15 people coming from the NHL. Last week there were almost 30 people here so it is continuous site visits, a very professional staff and they will be ready for the event in all facets of the operation of the event.

Once the game is over there are plans for the ice for the next day, January 2, 2016 if they are in a delay situation or a postponement to the next day because of weather but soon after the January 2, 2016 timeframe is released the ice will come out and they need to prepare the field for the Patriots practicing for playoff situations if they are lucky to advance to the NFL playoffs. Their plan is that by late Wednesday the field will be ready for the Patriots to get back on the field for Thursday morning practice. It will take them 10 days to load the field and it will take them 3 days to clear it out.

Mr. Angelico stated that Putnam Way will be open and also there will be entertainers between periods so there will be an entertainment event and he doesn't know if there are any details on that yet.

Mr. Gray stated that there are practice sessions for the NHL players and he was wondering when those are scheduled and will these be open to ticket holders or the general public. Mr. Buttafuoco stated that the practice sessions will be prior to the Alumni game and they will not be open to the general public by NHL decision not theirs. Mr. Gray asked if you are a ticket holder for that event will you be able to go to the practice in which Mr. Buttafuoco stated no. Mr. Mitchell asked when the facility will be ready to skate on. Mr. Buttafuoco stated that the first time when people will skate on the ice is Wednesday prior to the Friday event. The NHL provides a media skate (publicity skate) on Wednesday and Thursday and is the first time the teams will get on because it is a regular season game for them so they will be coming from other regular season games. They will practice that Thursday morning and they will have the Alumni game at 3:30pm and then they will play the game the next day.

Mr. Mitchell stated that he remembers when they played at Fenway they had colleges playing on it so there is none of that in which Mr. Buttafuoco stated no and that there have only been two other venues that hosted college games or high school games post the Winter Classic so they don't allow anyone to skate on it prior to the Winter Classic so any skating that they were going to do would have to be January 2, 2016 through January 5, 2016. They can't do that due to the football schedule. Mr. Mitchell asked what type of entertainment they are looking at. Ms. Enos stated that right now it is all being booked through the NHL but it is very similar for the home opener so nothing really time wise too significant; a couple of songs. They are going to be popular acts and it will look a lot like the home opener did with something at the very beginning for 7-8 minutes and then as the ice is being cleared in between periods 3-4 minute performances. Mr. Mitchell stated that they will have to set up a stage because they won't be doing it when the ice is being cleared in which Ms. Enos responded yes.

Motion by Christopher Mitchell to close the public hearing. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to approve the application for the January 1, 2016 Winter Classic with a rain date of January 2, 2016. Seconded by John Gray. **Vote 5-0-0**

8:12pm – Public Hearing – MIAA High School Super Bowls – Joel Angelico, Mike Ashapa, Jess Enos, Phil Buttafuoco

Christopher Mitchell read the Public Hearing Notice

Mr. Buttafuoco stated that this event on Saturday, December 5, 2015 they will have six high school football championships with a very similar schedule that they have had in the past with the first game starting at 9:00am and the last game is scheduled for 8:00pm. The MIAA staff controls the game logistics and in working with the teams to be sure that they start the subsequent games as close as possible to the actual published game time and of course that depends on the flow of the game and how long each game takes and whether they are dropping a

lot of passes and the clock is not running or if they are scoring and kicking off a lot then the clock stops. The MIAA staff manages all of that and they expect throughout the day 17,500 people over the six games and typically there are two games that will attract more fans than others and basically the division one and two with the two games based on what towns are playing in those games and they work with MIAA on the actual schedule of the games to allow those fans to access the stadium in time to watch their games.

The Kraft organization this year invested in the expansion of the ticket office. They used to have a lot of lines with some of these teams when their towns showed up and their fans all arrived at the same time and they had long lines to purchase tickets and people got into the game after the game started so the Kraft organization invested in an expansion of the ticket office and they have a number of new ticket windows now so they will be able to manage that crowd easier than they have in the past. Last year they added a number of temporary ticket windows out in the parking lot to help offset the long lines.

The general operation of the event is that parking lots open that event morning and there is no tailgating allowed for this event. It is really a flow so that people come to watch their town play and then leave thereafter. All of the fans sit on the East Side of the stadium. The teams are on their respective sides of the field but fans are only on the one side. Parking is free and they do not serve alcohol for this event. They do have their normal food and beverage operation up for the game. Chief Hatfield will staff as a Level 1 event.

Motion by Christopher Mitchell to close the public hearing. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to approve the MIAA 2015 Super Bowl for December 5, 2015 at Gillette Stadium. Seconded by John Gray. **Vote 5-0--0**

8:17pm – Showcase Live – Change of Manager – Attorney Peter Tamm, Kim Davies

Attorney Tamm stated the last time he was before the Board with Joe Norman, he is the Manager of Record for both establishments at this time. That was really a matter of responsibility from the organization rather than preference. Mr. Norman would not prefer to ultimately have that responsibility. Both Ms. Davis and Mr. Dipaula have worked in tandem and between the two of them they have in excess of 25 years of either supervisory or managerial experience with the organization, much of it here since the development and establishment of these two venues.

Ms. Davies stated that she is the House Manager of Showcase Live and she handles all of the events and shows and she is on site 99% of the time for those shows and events. She has been with the company for 15 years and a managerial role for 6 years and she has worked in Showcase Randolph from 2009-2012 and she has been in Foxborough between the theater and Showcase Live for the last three years.

Attorney Tamm stated that the request for a change of manager comes because Mr. Norman has been promoted and he is working at the Chestnut Hill facility. Ms. Davies has been on the ground as has Mr. Dipaula and they know these facilities intimately; they know procedures; they

know liquor licensing policy; and zero policy. Ms. Davies knows the Chief and has coordinated when necessary for special events so this is really more a change of form rather than substance.

Mr. Mitchell asked what the business model was now of Showcase Live he knows when they first opened it was concerts, are you looking to getting back into that. Ms. Davies stated that there is more of a focus on private events; they are more lucrative. When they first approached Showcase Live it was heavy on live acts and it wasn't working out very well for them so they are taking a step back from it. Her main focus is private events and they do have another manager on site that books live shows but it is more of a tribute band and small comedy acts. They definitely do a variety, mostly weekends. Their calendar varies whether it is corporate events or private events.

Ms. Coppola asked what the difference is between a House Manager and a Manager. Ms. Davies stated that she handles all operations of Showcase Live; really it is just a title that National Amusements gave her as House Manager of Patriot Place between the theater and Showcase Live. She actually works in both units but her main focus is Showcase Live; she handles all operations of Showcase Live. Ms. Coppola asked if they were both moving up to manager. Attorney Tamm stated this is simply for the license, the ultimate responsibility for the license.

Mr. Gray asked if this was the first time she would be on a license in which Ms. Davies stated correct. Mr. Gray stated that she has been in town long enough to know the history of the stings, infractions, suspensions and so on; what is your take and how are you going to handle the present climate of liquor license oversight. Ms. Davies stated that they do everything that they can to make sure their staff is prepared. Their best thing to do is to make sure that they have every staff member that serves alcohol is TIPS certified and they make sure that they attend alcohol awareness training every year and at the very least, once a year. They try to stay proactive and make sure they are on top of all of their staff training and they are constantly meeting with them just going over nightly what their expectations are for attendance for different live shows or what to expect for different private events but they handle all of their training and take it very seriously. Attorney Tamm stated that National Amusements they have a very unique commitment in terms of both the District Attorney's training as well as the post-prom party so there is a very real and substantive commitment that the organization has made and that is something that is coordinated very closely with the town. Mr. Gray stated that part of his role here is just to reinforce that.

Mr. Feldman stated that they have seen Mr. Norman at the Fox Cares meetings and hopefully they will see Ms. Davies as well. Fox Cares is a great group and they share best practices and they work with the community for responsible service.

Motion by Christopher Mitchell to approve the Change of Manager for Showcase Live to Kimberly Davies. Seconded by John Gray. **Vote 5-0-0**

8:25pm – Showcase Cinema De Lux – Change of Manager – Attorney Peter Tamm, Kevin Dipaula

Mr. Dipaula stated that he has been at the Patriot Place location since they opened. He worked very closely with Joe Norman in the past and can carry on his legacy as far as training their staff and he feels that they go above and beyond training their staff. Not only their servers and bartenders are trained continuously but they train their other staff and their cashiers as well so they don't even allow people who may come in intoxicated to get to the bars; they are very proactive in their training. Mr. Dipaula has been in this business for 23 years now. Prior to this location he was in Warwick, Rhode Island so he has a lot of experience.

Attorney Tamm stated that both Ms. Davies and Mr. Dipaula had stated to him that in addition to the TIPS training and ServSafe training there is also some training that goes on with Jim Staples and his organization in terms of preparing and training staff at all levels.

Motion by Christopher Mitchell to approve Kevin Dipaula as the new Manager of Showcase Cinema De Lux. Seconded by John Gray. **Vote 5-0-0**

8:27pm – Constable Policy – Chief O'Leary

Chief O'Leary stated that he wanted to follow up on the discussion the Board just had with the liquor establishments and to reiterate Mr. Gray had a question about training; November 16, 2015 the District Attorney's Office is actually running a major training event up at Showcase Live. Chief O'Leary got the confirmation in an E-Mail he saw this evening making sure that he was available to participate. Chief O'Leary will be on a panel with other people from around the area talking about liquor service issues as well as having some known trainers join us there. The District Attorney is making a big push to have a great deal of participation not just from Foxborough but other communities within this area of the county and Chief O'Leary thought it would be worthwhile to mention that as part of the discussion they just had. Mr. Mitchell asked if that was something that is open so if the Board wanted to go in which Chief O'Leary responded yes. Chief O'Leary stated that he thinks it is a morning program and he doesn't have a specific time in front of him but he thinks it would be worthwhile if certain members of the Board could go to see what the liquor servers are being trained in so if the unfortunate does happen and they are in front of them they will at least have some confidence on their decision making by seeing what they are going through.

Chief O'Leary stated that tonight is another step; earlier this year the Board adopted a new policy as part of their powers in creating Constables and having regulations for them. Once it was approved they sent out letters to individuals that had current Constable appointments. Some they did not hear back from but on further review he is submitting eight names for the Board to consider of the eight individuals that applied and he knows ordinarily they don't take up an issue or vote on it and that is understandable so they have a chance to reflect on the information presented and there is also a question about several people whose dates of appointment are some future date that they have powers of Constables until that time comes in. Chief O'Leary's recommendation would be to continue those people until their date is actually expired and then the Board could make a determination. Chief O'Leary knows that when they set the policy the Board was aiming at 10 and one position would be the Chief of Police which he thinks is a benefit to the community in the long run not because of him but he thinks the future of the community it is helpful to have that position as one of the enumerated Constables.

Mr. Gray stated that in the policy statement there is a section on the front page that says that the town is going to have no less than 10 and then a few pages later it states “no more than 10” and another section that said all of the Constables would live in the Town of Foxborough and he didn’t know if those needed to be clarified. Chief O’Leary stated that he was having a discussion off record because he got a call from another Board member on that same topic. The policy that Chief O’Leary was working off of in terms of the discussion “Residency in or proximity to Foxborough” and although they only had one individual that is a Foxborough resident and applied because it has become a business entity not just someone filling in. These were the people that have been serving as Constables in the past and had applied. They did not receive any other inquiries to his knowledge; they probably would have been directed at the Selectmen’s Office unless members of the Board are aware of someone that was interested. Mr. Gray stated that this statement he is assuming that preference would be given to qualifying residents of Foxborough that apply in which Chief O’Leary stated yes. Chief O’Leary stated that one of the criteria that they were looking at is someone that is experienced in this particular line of work and has a track record of service of various types of court papers that they are required to handle.

Mr. Gray stated that the last time they talked about this there was supposed to be a quarterly reporting to the Town Clerk and there was supposed to be revenues paid to the town, has that been confirmed at all. Chief O’Leary had discussions with both the Town Treasurer and the Town Clerk and they received copies of our policies when they sent out the applications and he can certainly check and report back to the Board with both those entities. A bigger timeframe for them to watch is the required reporting that is due in April that covers the previous year in terms of the papers that have been served and the revenues earned to make sure at that point if someone doesn’t file that required paperwork that would be grounds to remove them from office because it is state law. Mr. DeVellis asked if they would go back to last April to see if the existing members filed. Chief O’Leary stated that in a conversation when they were doing this work Chief O’Leary asked our Town Clerk and he could not remember anyone filing that type of documentation last year. It has been made clear in the policy that the Board of Selectmen adopted that this would be a requirement at the very least because the state law is mentioned. Mr. Gray asked if they have been notified and they will see what materializes in April in which Chief O’Leary stated yes.

Mr. Feldman asked if all the Constables presented evidence of bonding in which Chief O’Leary stated yes.

Ms. Coppola stated that she had spoken to Chief O’Leary earlier today and she found there were some discrepancies; under Qualifications it states that all applicants shall be current residents of the Town of Foxborough and then they have the list and most of these people are outside of town so she would like to see a little clarification on the language so it is not confusing for people. Mr. Keegan stated that on that point they noticed that there is a couple of inconsistencies in the policy they need to clear up because at one point it says that it has to be all Foxborough residents and at another point it says “or proximity” so they need to clear that up.

Ms. Bernard stated she thinks what happened was that the policy was revised and the instructions were from the old policy. Mr. Gray stated that the way the Chief answered the question was that

if we had qualified applicants from the Town of Foxborough they would certainly be given preference. Ms. Coppola stated that language should be reflected in the policy.

Mr. Mitchell asked once that all gets cleared up basically what they are looking for the Board of Selectmen to do is to adopt the policy and appoint the three that their terms have expired. Chief O'Leary stated that they still have appointments that are in effect but they have people that have expired and that would be the critical three. Chief O'Leary believes the policy was adopted and he thinks what they would be moving forward to ask the Board is to amend the policy that is front of them so as to clear up those discrepancies. Mr. Mitchell asked if that was the case can they put this on the next meeting and get it all in one package.

Mr. Gray asked if there was a time requirement in reappointing some of these people. Chief O'Leary stated that some have had their time period expired because they were waiting to develop a policy and put it before the Board and then start anew so they would have a more consistent process for people coming forward.

Ms. Coppola stated that she noticed on the policy that there were two types of bonding; there was a bonding dealing with things for \$200 and there was a bonding dealing with things for \$7,000; on the list is there a mix of the bonding. Chief O'Leary stated that there is according to the type of work that each particular Constable is doing. Chief O'Leary did not put that in the document that the Board received; is that something that the Board wants to look at? Ms. Coppola wants to make sure that all the people on the list aren't bonded for \$200 and there are some bonded for \$7,000; that there is a mix.

Mr. DeVellis stated that it sounds like we have a little more clean up. Mr. Gray stated that we have come a long way and at least now we have Constables that will be complying with the policy which is great.

8:39pm - Public Hearing - The Country Store – Change of Ownership – Attorney Greg Demakis, Mineshkumar Patel

Christopher Mitchell read the Public Hearing Notice.

It was pointed out that the old manager was listed in the public hearing notice but Mr. Keegan stated that the hearing could continue because a Change of Manager does not require a public hearing and the actual application had been advertised.

Attorney Demakis stated that Mr. Patel lives 20 minutes away from the store in Sharon. They set up a corporation called Foxboro Country Liquors Inc., and Mr. Patel is the sole stockholder, manager, director, president, treasurer and secretary and has been an American citizen since 1999. Mr. Patel entered into a Purchase & Sale Agreement with Masseih Inc., to purchase The Country Store, 212 North Street. The two shareholders of Masseih Inc., are Dale Masseih and the current manager, Sadelia Masseih. Mr. Patel has also entered into a lease with William O'Brien Trustee of the KPE Realty Trust for the premises. Mr. Patel is going to finance the acquisition of the business first he is getting a loan from Rockland Trust and second he sold a business recently, two-three months ago called Hancock Liquors in Quincy and he is using the

funds from the proceeds from that sale. Because Mr. Patel is financing from Rockland Trust they will be seeking today a Pledge of License and a Pledge of the Inventory as a condition of the commitment letter.

Mr. Patel owns several businesses and he owns four other businesses in which he has an interest in a liquor license but several other convenience stores and he is just one of the most experienced and best operators at least in the state. He will be a credit to this community and he will run a first class operation and you will never see him in here for anything that is not good and you are getting a very experienced veteran of this type of business.

Mr. Patel stated that he has plenty of experience and knows how to run the business.

Mr. William O'Brien – lives in Norton. Mr. O'Brien ran the store for 28 years and he sold it to the current owner. Mr. O'Brien still owns the property. He checked out Mr. Patel's references and they were excellent.

Mr. DeVellis stated that the Board had just received the lease from Attorney Demakis and did not have time to review it. Mr. O'Brien stated that it is a ten year lease with a five year option. The other lease with the Masseih 's was a ten year lease and a ten year option. Mr. O'Brien stated that Mr. Patel will be a good operator and he explained to him about Fox Cares which is a good group to get involved with.

Motion by Christopher Mitchell to close the public hearing. Seconded by John Gray.

Ms. Coppola stated that it shows you own four businesses so you will be the Manager of Record on this one but will you be overseeing the day-to-day operations on this. Mr. Patel stated on this one yes and the other ones, no. Mr. Patel stated that he will be there at least 40 hours if not more.

Mr. Keegan asked if there was a limitation on how many licenses a business can own in which Attorney Demakis stated five licenses and on January 1, 2016 it will go up to seven. Mr. Patel is within the five licenses now. It used to be three and now if you get a fourth and fifth license you have to pay a \$5,000 fee to the ABCC. This changed in 2012 from three to five and now they are going from five to seven and then in 2020 it goes to seven to nine.

Mr. DeVellis asked if Mr. Patel had any violations under his previous ownerships or partnerships in which Mr. Patel stated no. Attorney Demakis stated that he had one from 11/1/1999, Lynn's Variety and he was not the manager of that store, it was co-owned but that was the only store and that was 16 years ago and nothing since then.

Mr. DeVellis asked Mr. Keegan if there was an issue with not having the lease tonight. Ms. Bernard stated that there is an unsigned lease in the packet. Attorney Demakis stated that Attorney Mackey who represents Mr. O'Brien was out of town last week.

Vote 5-0-0

Motion by Christopher Mitchell to approve the Transfer of the Liquor License to Mineshkumar Patel. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to Pledge the License and the Inventory to Rockland Trust.

Mr. Gray asked if the inventory was going to come in at \$35,000 is that okay for them to just pledge the inventory in which Mr. Mitchell stated yes. Seconded by John Gray. **Vote 5-0-0**

8:52pm – Close the Special Town Meeting Warrant – William G. Keegan, Jr.

Mr. DeVellis stated that this is on the Board's agenda and at the last meeting there was one extra article brought on and they contemplated closing it. They were going to let two weeks pass, advertise it and entertain anything that might come on.

Christine Papianou, Tracey Vasile and Frank Spillane were present from the Advisory Committee.

Mr. DeVellis stated that Frank Spillane is the Town Moderator and he appoints Advisory Committee members or volunteers that review all of the articles that come in front of them and then they make their recommendation for all of the town warrants for town meeting.

Ms. Papianou stated that they have a copy of the draft warrant. John Chelbek, Chairman and Ms. Papianou, Vice-Chairmen met with Frank Spillane over the weekend to talk through some concerns that they share about the amount of time they have to get through the articles because really the goal is to get through them by the end of the year because then they go into the budget discussion. They charted out their opportunities to meet given the holidays and it is lean so they will make every effort to get through everything that is before them and they are asking for extraordinary cooperation in terms of helping them get people in front of them to answer the questions that they need to talk about. Tomorrow night will be their first meeting and they will talk about availability for Ad Com to get together sort of unusual times for them rather than Wednesday nights. They don't have a sense for that yet but that is what they are going to try to do to get through what is before them.

Ms. Vasile wanted to reiterate Ms. Papianou's view point. Ms. Vasile and Mr. DeVellis had spoken last week and they have a lean committee but they have a lot of tenure folks on it, she thinks they have one new person on it. They are committed to vetting these to the best of their ability but there might become a point where they don't think that they can get through something. They will do the very best they can but if there is a point where they don't think they are going to be able to vet something enough to stand up in front of the town at the meeting in February they will let the Board of Selectmen know first and foremost. Looking through it the ones that are probably going to take the most time and cooperation from the department heads and the boards are the Home Rule Petition, the Liquor Licenses and obviously the Town Hall. Mr. DeVellis stated that they are saying that those three will be the most time consuming ones in which Ms. Vasile stated yes.

Mr. DeVellis stated that they are meeting for the first time tomorrow night and he assumes from that they will set a schedule so if they could share that with the Town Manager and then they will make themselves available. Most of these say Selectmen on it but the contract ones would be the Town Manager and there is one that says Selectmen but it is Water & Sewer so it is the Selectmen's role to make sure that they have the support at those board meetings to answer questions. Ms. Vasile stated that Mr. Keegan, Ms. Bernard and Mr. Scollins who is really their primary "partner in crime" does a great job in coordinating calendars and getting the people in front of them when they need them and coordinating the separate meetings that they have with the liaisons from the Advisory Committee. Mr. Keegan stated that they have already pledged their full support to the Committee and we will get through this. They have a lot of information that they can give to them, it is not really that complex and they will be able to make their way through it.

Mr. DeVellis stated that it is a lot of work and they are juggling the budget and warrant articles back to back.

Mr. Gray asked how many people are on the committee. Ms. Papianou stated that they have ten right now and they need two more. Ms. Papianou heard that they not meet with less than seven people (six is quorum) but the weight of the things that they are talking about they really should not meet with not less than seven people to get through this. They will make every effort to do that. Frank wants all votes to be a minimum of seven. Attorney Spillane stated that they would like all votes with a minimum of seven and if they are going through a meeting and someone leaves they can still discuss it but the votes he wants a minimum of seven.

Mr. Keegan stated that a question was raised earlier this evening and he doesn't know the answer to this one because he doesn't know if there is a limitation in the bylaws somewhere that he is not aware of but if the committee wanted to meet on a holiday is that in fact against any bylaws or local regulations. Attorney Spillane stated not to his knowledge; he knows there have been meetings on Saturdays and Sundays for different committees and boards but he can't remember any holiday meetings off the top of his head. Ms. Vasile asked if there was a particular date in which Mr. Keegan stated Veterans Day. Ms. Vasile stated that they have a slated meeting but the problem is they have a lot of people out of town. Attorney Spillane stated that one of the things they are going to discuss tomorrow night is the emphasis of liaisons doing a lot of the upfront work even before any of the articles are officially presented to the Board so they can give the committee a head start on all of these articles. Mr. Keegan stated that he did speak to Mr. Chlebek about appointing people for each of these articles and more than half will be Mr. Keegan or Ms. Bernard so they will be able to get through those pretty quickly. Attorney Spillane stated that he is confident that they will get through everything pretty quickly in order to have recommendations for town meeting. Some of the concerns really have to do with the budget process interfering with it and contracts.

Ms. Vasile asked if Article #1 was staying on. Mr. DeVellis stated that he met with that group last Thursday with State Representative Barrows and it is staying on as written. The discussion was after town meeting where does it go at the state level so he is working on that. Mr. DeVellis stated that this is probably one article that is not related to staff and budget so when that is set and they know when they are going to be reviewing that he will reach out to that committee to

see who wants to come as well. Ms. Papianou stated that it is really not tomorrow night where they will be talking about availability.

Mr. DeVellis stated that as far as communication he knows this week he has spoken to everyone is there one point person from Ad Com if they need to communicate and the Board can assign one person from there to make it easier for them. Ms. Papianou stated that would Mr. Chlebek. Attorney Spillane stated that the most important conversation would be between the chairman and the town manager and Mr. DeVellis also. Mr. Chlebek and Mr. Keegan have committed to talk at least once a week to keep each other abreast and that is very important for the Chairman to know not only for the special but for the annual what is coming up and how things are going because we all know that articles are anticipated and then dropped off the table and then the Advisory Committee in the past have gotten frustrated when they have reviewed articles and then they get pulled so they want to keep that at a minimum. It is keeping ahead of the curve throughout the process and communication.

Mr. DeVellis stated that they have a draft dated November 3, 2015 so he has a feeling the Board may make some changes and they will get that back to the Advisory Committee with a new date on it and that will be the first formal draft they will have. If you are meeting tomorrow night, you will be looking at these articles tomorrow in which Attorney Spillane stated yes. Mr. DeVellis asked Mr. Keegan if the Board would have the opportunity from tonight to tomorrow to make those changes tomorrow and get that to them in which Mr. Keegan stated absolutely and then they will scratch November 3, 2015. Ms. Vasile stated that the agenda for tomorrow is introductory and then town hall. Ms. Papianou stated just for the purposes of this week, Mr. Chlebek is out of town so send that to her and she will get it to the committee tomorrow.

Mr. Gray stated that he is planning to attend a lot of Advisory Committee meetings and he doesn't know if the other Board members are as well but there is discussion and back and forth. If more than three are at that meeting do they have to post a Selectmen's meeting? Mr. DeVellis stated they do. Attorney Spillane stated technically they don't need to post it; as long as they are not discussing the issues and if they are just providing information because in the past when the Board of Selectmen had just three members it was not uncommon for two of the Selectmen to be there. Attorney Spillane stated as long as they are not caucusing or discussing the issues; if they are just talking with the Board based on what the real purpose is. Mr. Keegan stated that there was some question that was brought into that about a meeting last year and he thinks Mr. Gray is just expressing a word of caution in which Mr. Gray responded yes because they are dealing with a very compressed timeframe and they could use input from the Board of Selectmen so he plans to be at most of these meetings and he knows that Ms. Coppola has been a regular attendee at the Ad Com meetings and he doesn't want to get into a spot where they violate an open meeting law. Mr. Keegan stated that the safe route is for them to post a meeting then there is no question.

Ms. Vasile stated that often they ask because the Board of Selectmen have been more intimately involved before it gets to them and they often ask their opinions so they would like them to weigh in when they ask that and not be confined because the meeting isn't posted. Mr. DeVellis stated that if there is a majority there and we don't say anything he thinks what they went through last year with the Attorney General it is still a violation and because you have a majority listening and that majority comes back to the Board and they could vote on something without a

minority so he thinks it is a violation even if no one says anything to have a majority there. Mr. Keegan stated that the right thing to do is to post it.

Mr. Gray stated that unfortunately there is not enough time to post this meeting tomorrow.

Mr. Keegan asked if the Board wanted to go through the warrant at this time in which Mr. DeVellis stated that he thinks they have to.

Mr. DeVellis stated that all of these articles were submitted and then the process of having town counsel review it and get back comments and asked if that has that been done yet? Ms. Bernard stated yes November 3, 2015 is approved by town counsel. Mr. DeVellis stated that all of those from a legal perspective will fly in which Ms. Bernard stated yes.

Article #1 - Home Rule Petition – Child Abuse Training

The Child Abuse Committee is behind this and will be there for the process. Mr. Gray stated that he had heard that there was some language that needed to be clarified and asked Mr. DeVellis if this article was good as written in which Mr. DeVellis stated yes. Mr. Gray asked what some of the issues that might have needed correcting in which Mr. DeVellis stated that in discussing this with Representative Jay Barrows they are looking at getting the house to support it and wondering if it is too uncomfortable for them because when they focus on one town versus something that doesn't really apply to other towns they might just want to throw it out; there is no language that they can change to get over that so it is one of these things if the town votes for it and are behind it, they go to the Attorney General and they might not know what to do with it. It is really not a language issue it is more of thinking outside of the box issue. Mr. Gray stated as written all of the proponents are comfortable with it in which Mr. DeVellis stated yes, the Sexual Abuse Committee is broad and they have been working on this and this was their best foot forward and that is why Mr. DeVellis asked if the attorneys have looked at it and are fine with it. Ms. Bernard stated that the attorneys' comments were that this article is acceptable as written and just requires a simple majority vote. Ms. Bernard further stated that for each article they have the attorneys approve them for form and structure.

Article #2 - Liquor License Request

Mr. Feldman stated that he was making a recommendation to pull this article because he doesn't think they are going to be ready. Ms. Coppola asked why in which Mr. Feldman stated that he got the list the other day of the 43 liquor license holders and they have to reach out to the holders that have Beer & Wine licenses that may want to look at an All Alcohol license. They need to reach out to existing business owners; the Economic Development Committee has only met once and they haven't even discussed this as of yet. They have another meeting tomorrow and he doesn't think that this will even be discussed tomorrow so the next meeting is December. Mr. Feldman would make a recommendation to wait 60 days and put this on the regular town meeting so they can properly get the information and go to the town for one request rather than go for a partial request now and a partial request in May. Mr. Feldman stated that the other reason is the focus on this special town meeting should be the town hall. They have an opportunity to finally do something with town hall and that is what the focus should be. He

doesn't want this to muddy the waters or not be prepared. Ms. Coppola stated that they should be throwing out all of the warrant articles if that is his philosophy. Mr. Feldman stated that they couldn't throw all the warrant articles out. Ms. Coppola stated that she didn't think this article should be thrown out.

Mr. Gray stated to clarify the Board did make a promise to the Developer of Forbes Crossing that the Board would address this so that he could have a liquor license for the hotel and other liquor licenses for that development; he can't get going until the Board addresses this. Mr. Gray stated that his recommendation would be to carve out that particular node and address that. If they could package them altogether and bring this as one package to the legislature that would be ideal but given that this developer is waiting for this and he can't get going without it as well as the Board made a promise to him that they would deal with it. Mr. Gray doesn't mind going in a multi-stage approach. Mr. Feldman asked if 60 days going to make all the difference to that development. Ms. Coppola stated yes, she thinks it will because right now what he is doing is lining up establishments that will use these licenses. What they have always discussed and unfortunately with Sharon Wason's death the process has been delayed a bit. What the process was going to be and working with Ms. Wason and the Planning Board was to look at the business nodes in regard to liquor licenses. This was the first node that they actually have information about. Ms. Coppola stated that one of Mr. Feldman's concerns in the past was that they didn't have enough information. This node they have information; they have what is going in there and they have what the people are asking for. Mr. Feldman stated that he fully supports that but his concern is that they do a Home Rule Petition for two licenses and then in 60 days they are going to go back for another whatever number of licenses (2, 4, 6, 8), whatever the number is at the Annual Town Meeting so the question is when is the process for the Home Rule Petition starting; is it immediately after the special or is it sometime thereafter. Mr. Feldman stated that his concern is that he doesn't want to start the process on the Home Rule Petition for two licenses and then in 30-60 days start the process for additional licenses and then they have two dueling tracks for licenses. Ms. Coppola stated that they won't have two dueling tracks, they will be completely separate and they will be following the process that was established before Ms. Wason's untimely death. What they were going to do is look at the nodes and see what was needed. They know what they need here; as an example the information that is coming in from the other nodes they got a letter from someone from the former Bradlee's Plaza; he wants something and they have some information about Mechanic Street. This one they have everything and it is cut and dry. Ms. Coppola stated that this is easy and the legislature could care less if you have multiple Home Rule Petitions. Ms. Coppola stated that they have already had multiple Home Rule Petitions with Chestnut Green and another one at the same time. To pull this with this developer who is doing a yeomen's service fixing up that area she thinks is a disservice to him and a disservice to the town. We are supposed to be doing economic development and this is the first node. Mr. Feldman stated that they have been sitting on these liquor licenses since they first looked at the warrant articles in July and he wants to accommodate him but he is trying to come up with a method to not keep going back to the town stating that they need more licenses. Mr. Feldman stated that they should put a package together and then they can say that they reached out to the current business owners and this is what we are looking for and these are the development opportunities in the different nodes whether it is downtown, Route 1 or Bradlees; this is what we anticipate and this is what we recommend. Ms. Coppola stated that this one is already to go; let's start the process because it takes a while. Mr.

Feldman stated that he understands that it takes a while and that is why he is saying does it make sense to do two and start that process and then do others.

Mr. Gray stated that if you take a look and say what is the process going to look like as far as getting this packaged up. Once you open it up and Mr. Gray doesn't think it will even be ready for the Annual Town Meeting because there is a lot of work and a lot of consideration and competing interests and that's why Mr. Gray wanted this to be on the Special Town Meeting warrant because if for some reason they get bogged down and people can't participate and the process doesn't move along this developer is stymied and he really doesn't want to see that happen. They have a first class developer that needs the Board to get this done in order to get economic development down in that node and if the Board trips themselves up; they may not be packaged up and ready for the Annual Town Meeting. That is not necessary. Mr. Feldman stated that the last thing that he wants to do is trip him up but at the same time he doesn't want to jeopardize future liquor licenses by keep going back. Mr. Gray stated that he has had a lot of discussions over the last week about that particular topic and whether or not the way they are going to approach this and take it in pieces would in fact jeopardize that and he has no evidence of that. Mr. Mitchell stated that he has a potential solution in that the Board thinks when the Economic Development Committee meets and all the different nodes you are talking maybe 12 licenses and we want 2 for Forbes Crossing; why doesn't the Board go with getting 6 at this meeting; 2 dedicated to Forbes Crossing and 4 that they can decide where and then get the process going again in May. Ms. Coppola stated that then town meeting will say that they don't know where they are going to put them. This warrant article will answer the questions for the Advisory Committee and will answer the questions for town meeting. This is a very simple request for these and the state legislature doesn't care how many Home Rule Petitions you put in.

Mr. Keegan stated that he had met with Representative Barrows and they talked about this topic. They talked about the process for applying for liquor licenses and he couldn't give them an answer yes or no of whether it was a good thing or a bad thing to apply on multiple occasions; towns have done it before and it goes both ways. There are a couple of interesting points that can be made here in that you know that you need two for Forbes Crossing and a package store license as well so that would be three. The other thing is that there is one for Bradlee's Plaza which there already is a wine and beer store and he wants to have a full package store license. Ms. Coppola stated that Foxfield Plaza is a different node. We also have the Chinese restaurant in the center of town who is looking for one and that is on Mechanic Street. Asian Ginger was also looking for one. Mr. Keegan also knows that Normandy Campground is looking for one. Those are known factors that we know that those people are looking for licenses as we speak. Mr. Feldman stated if they have a present beer and wine license and they want to turn that in and they apply for an all alcohol what happens with the beer and wine license. Mr. Keegan stated that the beer and wine license would then become available for someone else to use. Mr. Keegan stated that it creates an opportunity. He knows for a fact that there is an interest from Route 1 to get some and there is also an interest in perhaps the theater in the center of town to get one (that is just speculation). The fire station they know is an interest that will be coming up. Mr. Keegan stated that they have 12 that he knows of at this point in time that are potentials; 10 are real and 2 are on the radar screen. The only way you can answer the question of how much of an impact there may be on not going forward on these two licenses right now is to ask the developer. He is here tonight and they knew this question would come up and see what kind of a logistical issue

clear on what this means then he thinks now would be the time to do that. Mr. Feldman asked what the timing was on the Home Rule Petition. Mr. Keegan stated that the Home Rule Petition would be filed right after that but what they also know is that Mansfield asked for some and they still have not acted on them and that was 10 months. Ms. Coppola stated that they passed it and that she has the language so the Board can just substitute Foxborough for Mansfield.

Mr. Saletin stated he thinks the Board assumes that their answer is that they would like to have those licenses so that they can wrap up the leases on their pad sites as soon as possible. They are having quite a bit of activity once they announced that they are going to building a 139 room Hampton Inn Suites and have three pad sites. They have had a tremendous amount of velocity and demand for the pad sites. They are having conversations with restaurants that look like Applebee's including Applebee's and without being able to name one of the highest steak chop houses in the country has been at their site a couple of times and a name that they are very pleased to just have a dialog with and they don't have a deal with them but they do have very significant interest from them. The sooner that they know that they can provide a license the more productive and the better the ultimate result will be in being able to secure these tenants. These licenses would only be used for family style or fine dining style restaurants and there are not any entertainment or bar type operations that they are even thinking about. It would be a tremendous benefit to them and a detriment if it was put off. They closed on the asset; they own the real estate and they have had a tremendous amount of support from all of the town's boards and they are nearing the end and about ready to put a shovel in the ground. He would anticipate if everything goes as they see it that before the holidays they should be finished with the entire town permitting process and beginning demolition as early as the winter and break ground and come out rocking and building as late as spring.

Attorney Spillane stated that the hotel will not have a liquor license; they have stated that from the get go. There are two pads for the restaurants where the liquor licenses will be located. When Mr. Saletin initially approached him it was late winter/early spring about representing them and going through the process he indicated that there were going to be restaurants there and he told him that there were not any alcohol licenses available so early on they approached the administration to let them know that they would be bringing that request forward at some point once the process with the Planning Board and Board of Appeals started going and they kept dialog open with the administration and during the summer Attorney Spillane sent the Board of Selectmen a letter and came in early September to discuss it. They always wanted to be on the fall town meeting. Mr. Keegan let Attorney Spillane know that he thought that the town meeting would be pushed off because of Town Hall and they understood that reason and were fine with it. They would really like to get in before the Annual Town Meeting for a number of reasons so that they can explain to any tenants that there are liquor licenses available so they can sign them up. Also, because of the legislature if it goes to the May Town Meeting because it is a three month difference, they go on their summer break. For example, when they went forward with Chestnut Green it didn't get signed until late in the fall/winter because during the summer they didn't do anything and it was put on the side during the fall. What they are hoping is if they can get it done in February then they can get it signed by legislature before they take their summer recess so the pads can get started working on. Until they have a commitment from a tenant they won't start going forward with any of the pads. The hotel will be started and the work on the existing structure that is staying will be moved forward but with regard to the pads they won't be moving

forward with that until they know who will be going in there because each structure is designed for the tenant.

Mr. Feldman stated that based on what he just heard he rescinds his remarks but he still thinks they should talk to the people that they know that are interested and try and get as many on this warrant as they can. Mr. Keegan stated that having said everything they just said, his concern about that is what it might do to Ad Com having too many before them. Having two requests; the new Town Planner will actually be starting the first week in December and they will at least have another month to go through that process and to actually work with her on a couple of these items and they can put a priority on this and have the Economic Development Committee weigh in even further. Mr. Keegan stated that he thinks the Board would be well served to consider a second request and then they can work with the legislature to get that through as much as possible. The question is how you package that up and really place the emphasis on economic development for the downtown and other nodes and expanding that possibility and he thinks the legislature would be pretty responsive to that.

Mr. Mitchell stated what they are looking at for this is two liquor licenses. Attorney Spillane stated that they are looking for two restaurants and one package store and he believes the existing article that he saw last week only had the two restaurants. Mr. DeVellis stated that the draft has always had "xx" and there has never been a number on it. Ms. Bernard stated that it does state that the alcoholic beverages are to be drunk on the premises so they are the liquor licenses for the restaurants. Mr. Keegan stated that they would have to alter the language.

Mr. Mitchell stated that he is fine with their analogy, it makes sense and he does really want to push for May to get everything else done but if they have an existing business in town that is telling them they want a full liquor license and they are pushing to get one approved a half a mile away and they won't approve one for him, it is not sending a good message to existing businesses. Mr. Mitchell would be fine with saying let's go with two for the restaurants on this and then package everything else and really have it a priority to get it all done for the May town meeting.

Mr. DeVellis stated that having sat a few months before last town meeting they had this discussion and they were going to ask for some but it got a bit uncomfortable because no one knew what to ask for. That was over a year ago and with Sharon Wason passing it stopped. He doesn't have a lot of faith with it being November right now that they can reach out to the businesses and get a common approach for 10-12 liquor licenses. It blows his mind that with a population of 19,000 that people are still asking for liquor licenses.

Mr. Gray stated that the Master Plan was supposed to guide them as to what was really needed and the positioning of it so some of these existing licenses; where they are located might be in the wrong spots. That is where the Planning Board was going to guide them. Mr. DeVellis stated that there is a lot of work to do between now and May. Giving more than this little chunk to the Advisory Committee is not going to well. They have a developer that can hold up a plan that has been embraced by all the neighbors, Zoning Board, Planning Board, Conservation Commission that says here is a good use of the property, it is being redeveloped, here are two pads and this fits so Mr. DeVellis doesn't think that you will get any opposition. It would be

nice to say 3-6 but he thinks that they would be just throwing numbers on there because three is better than two maybe. This is very sellable to town meeting and much more than that it is not going to fly in February and he doesn't think they have the wherewithal to get it altogether for May. Ms. Coppola stated that was the whole idea of using the node model to make the plan. They would start with one node and finish that and then move on to the next one and whatever was ready for May town meeting that is what they would present. It could all be ready for May town meeting or just some could be ready but at least it is progress. The Board has been talking about this for three years; this is the beginning of it, let's go with this.

Mr. Keegan stated that he thinks they are really going to need to do something in May primarily because if the fire station sells they have a developer that really wants to push forward and get something done there they will be looking for a license for that. Mr. Mitchell stated that if you listen to a developer, no one will want to develop anything if they can't fully utilize it. Mr. DeVellis stated that you don't need liquor to sell it, but it helps.

Ms. Coppola stated that you are going to have a 135 room hotel with no eating facilities in the hotel and guests have to eat. In that area they have Meditech coming up with 500 people working at Meditech. They have a lot of people who will enjoy the amenities of that plaza, let's give it to them. Mr. Feldman stated that he doesn't think anyone is disputing that; it is just that, is it just two or is it a little bit more and maybe it isn't all that they think they will need but it is some combination of what they know at Forbes Crossing plus what they know is pretty definitive between downtown and existing license holders that are looking for a change. Ms. Coppola stated that this is definitive; the rest hasn't been figured out yet.

Mr. Keegan stated that the one thing that is interesting is that you can start looking at some of the combinations of these things; for instance, he doesn't know that Normandy Campground wants a full liquor license he thinks they might just want a package store license so we need more work on these. This one is clear as to what the need is so he is inclined to agree that this is clear and the others are going to need a little more work.

Mr. Mitchell asked if he has any other existing licenses that are clear in that if they are applying for licenses they want this. Mr. Keegan stated that Asian Ginger has wanted a license for a long time and they have a current beer and wine license. Mr. Feldman stated that they took the beer and wine license because that is all that was available. Mr. Mitchell stated that if there is a business like that, that has a great track record and they are doing all the right things and they are going to be asking for two for a new business can the Board at least look at saying let's get one or two more for those businesses at the same time because it is the same thing, it is a business here or a business there that is all ready to go. Ms. Coppola stated no because then the waters are going to be muddied for the Advisory Committee and for town meeting. Mr. Mitchell stated that he thinks they are taking businesses that are already in town and have a great track record and they want something and the Board is saying that you are not important we want this guy because we like him better. Ms. Coppola stated that they are not saying that. Mr. Gray stated that this is part of an economic development package. Mr. Mitchell stated that some of these are close to downtown. Mr. Gray stated that is the next node. Mr. Mitchell stated that if they have things ready to go there and if they have things ready to go in the center of town what is the difference; there is none. Mr. Feldman stated that then the question is does the fire station

become more valuable at auction if there is an available all alcohol license. Mr. Keegan stated that at least it is on the warrant and they will vote it at that point. Mr. Mitchell stated that he wants to get Mr. Saletin his two liquor licenses as soon as they can but he also doesn't want to slight the existing businesses that have been standing there wanting them. Mr. Feldman asked if they could commit to at least putting forth at least two and see what else they can vet out with Ad Com and see what they are comfortable with. Ms. Coppola stated that she happened to bump into the Ad Com people the other night and they told her that they were pulling this because they don't have time to vet things. They feel that they are under a lot of process and if the Board adds something to this thing they are going to say that they don't have time and they are going to pull it. Mr. Feldman stated that depending on the information and how they package it to them, you can't just say to them that we want five licenses; you have to give them some background information to make it easy for them to review. You don't want them to have to do all of the leg work, you want to give them a complete package and be able to make a decision based on the information that you give them. Mr. DeVellis stated that he agrees with him but this is November 3rd and they are meeting November 4th and are already struggling. This discussion should have been happening months ago and it isn't fair to drop it now. In fairness to the businesses, yes, they are existing businesses, and it would make it easier. This is town government; we work with volunteer boards and it is tough to get any volunteer board these days. Mr. DeVellis stated that they should embrace the Ad Com as much as possible right now and help them and putting anything more than two would not do the Board any favors and it will not do them any favors and then they might end up with nothing.

Mr. Gray stated to Attorney Spillane while the Board was going to approve this warrant article the developer/petitioner, is it two full licenses. Attorney Spillane stated that it was two full restaurant liquor licenses and one full package store license. Mr. Gray asked if that was part of the original request in which Attorney Spillane stated that was in his letter. Mr. DeVellis stated that this is not what this article is. Mr. Mitchell stated that this article is just two all alcohol licenses. Mr. Feldman stated that he thinks they are requesting two all alcohol and one package store in which Attorney Spillane stated correct. Mr. DeVellis stated that he was not ready to support a package store without any discussion. He knows it was brought up but he thinks it was that they were doing this as a site plan and they have this square footage in the back, maybe it will be a liquor store and maybe not but he thinks that is why it is not in there because it was not brought forward. Attorney Spillane stated that Mr. Saletin had been discussing that location Mr. DeVellis described with someone that is very interested in it and that has been ongoing throughout but again there is no full package store license available so nothing can be done. In Attorney Spillane's original letter and as he has been discussing this with the administration from the very beginning, they looked for two restaurants and one package store knowing that you don't always get everything that you want but requesting that thinking that is in the best interest of the site.

Mr. Saletin stated that if could address the package store license; when this shopping center was originally built when Central Street was the original Route 140 there was a supermarket in the building and it is very deep; it is much deeper than a typical retailer can use and they had a conversation with a very prominent store operator and of course they had to tell them that there was no package store licenses available in town and so that is why they made the request with Attorney Spillane. If they don't use it within a period of time he doesn't think there is any issue

with them relinquishing it back to the town so it is not one that is committed to the property and is not being used but it would be very helpful for them if they could do that. They are presently building a 12,440 square foot package store in another shopping center and it works really nicely when you have these former old supermarkets that are so deep. They don't have a deal in their pocket. Mr. Mitchell asked that if that one license got delayed until the next time the Board does a warrant article would that affect this in which Mr. Saletin stated that it would just delay their option to have that kind of dialog with someone. He would prefer if they could incorporate it into the warrant and then they could relinquish it back to the town if they don't use it in a reasonable period of time. He would suggest that might be a good option. A reasonable period of time might be 24 months so it is not tied up at that property when someone could use it somewhere else. Ms. Coppola stated that the thing is because these licenses would be in the nodes, they would be node specific. Mr. Saletin stated that they would love to have it but what he is suggesting is if there is any way that can happen they don't need to tie it up if it is not being utilized. Mr. Keegan stated that the language of this article is specific to Forbes Crossing at this point in time which means they would have to do some significant rewrite with this language to include that at this point which he is not sure they would have in time for tomorrow night. Attorney Spillane stated that it could be written so that the package store is specific to Forbes Crossing so it could be added specific to the site. Mr. Keegan stated that the challenge there is if it doesn't work then it is stuck there and it can't go anywhere else. Mr. DeVellis stated that at the end of the day with Forbes Crossing they are going to have six liquor licenses and then you have someone that is asking the Board at the old Bradlees to extend their one liquor license for a full, it just doesn't seem right at the eleventh hour where you don't have the tenant. Everyone has embraced the pads because it is a restaurant; a large liquor store is something that he is not prepared to jump on at the eleventh hour and say this is good, send it over to Ad Com. Attorney Spillane stated that you can't have a tenant without the license available so no tenant is going to sign anything. Mr. DeVellis stated that they also purchased the property in anticipation of development, permits and tenants and it is a process. If the worst thing that happens is it gets in a broader discussion for next May with everyone else it is a little less greedy. You have six licenses in that area when everyone else is struggling a mile away for one just doesn't sit right with him. Mr. Mitchell agreed.

Mr. DeVellis stated that he is in favor of Article 2 as written with two liquor licenses for the two pads for the permitted development that they have right now.

Mr. Feldman stated that just so they don't hold that development up it is fine. He will commit to getting to work and work with the other business owners for information for May town meeting. Mr. Keegan stated that it will be a lot smoother for everyone if they do it that way. Mr. Saletin stated that he is very comfortable with that.

Attorney Spillane stated they would like to keep the dialog open for a package store in the future.

Mr. Gray stated he is fine with this also. Mr. DeVellis asked if there were any other changes to the language that the Board was seeing in which Ms. Bernard stated no, they promised Ad Com a complete article.

Article #3 - Contracts – Clerical

Mr. Keegan stated that on all three contracts they are still in process. They are making very good progress on all fronts and he fully anticipates within the next few weeks they could have resolutions on at least two out of the three. Mr. Gray stated that just a bit of history they have had contracts that have been wrapped up and given to Ad Com three days before town meeting. Mr. Keegan stated that he was the one that imposed the rule that was adopted by the town back in Dedham that it has to be at least two weeks before town meeting. Mr. Gray stated that they have gone through some rough patches with a lot of this happening and they made commitments to Ad Com that they won't bury them and also to people in the town. In order for contracts to be properly vetted, you have to give them time.

Mr. Mitchell stated that for Ad Com's consideration can they put a deadline if these aren't met by December 20, 2015 put them on the May warrant. Mr. DeVellis stated Ad Com will give them the deadline. Mr. Mitchell asked what the harm is if they do those now or in May; are they really close to being resolved. Mr. Keegan stated they are required to put them forward if they are done at the next town meeting by statute and that is the reason why they are pushing for them now. They fully anticipate at two out of the three to be done (he thinks all three will be done). Mr. Gray asked if they will be done by the end of the year. Ms. Bernard stated that she thinks two will be. Mr. Keegan stated possibly two out of three by the middle part of January at the most.

Mr. DeVellis stated:

Article #4 - Police Contract

That is fine.

Article #5 - Boyden Library Employees Contract

Mr. Keegan stated this is very close to being done.

Article #6 - Removal of Police Chief Position from Civil Service

Mr. Keegan stated this is strictly a timing issue because as they know the Chief is nearing mandatory retirement age so in order for them to proceed with the recruitment process they need to know what direction they can go in. Now is the time to do this; is there going to be a vacancy in the position so this is as good a time that they can put it in to get that resolved now. They are trying to work with all parties associated with this issue to try and determine if everyone is in agreement with it. Mr. DeVellis asked if Mr. Keegan thought this will be a controversial one in which Mr. Keegan stated that he doesn't know that it will be; he knows that there will be some concern from the ranking file in the department. Obviously they want to try and participate and be involved in the process so there may be some controversy at that level but on a broader scale this one makes all the sense in the world to him and he hopes others as well that they want to cast the widest net possible to get the very best candidate. This only happened once every 33-34 years in this community. Mr. Gray stated that they did tackle this in 2005 and it was controversial and it failed. Times have changed and people recognize the Chief is retiring and

this is an opportune time to deal with it where in the past it wasn't. Mr. Keegan stated that Ms. Bernard has been researching this for quite a bit of time now and the number of communities that are actually Civil Service and to have Civil Service Chief's has diminished significantly over recent years so they would be following the trend if they went in this direction. This is no disrespect to any of the internal candidates; they want them to be involved and be part of the process and they have already demonstrated that if even with a large process they still sometimes end up with a local candidate so he doesn't think that they are not diminishing their involvement they just want to be sure that they are looking at the very best candidates for this process.

Article #7 – CIP Water Main

Mr. DeVellis stated that this is something that came to the Board at their last meeting two weeks ago and asked why that was a Board of Selectmen article. Mr. Keegan stated that it is a Public Works issue but it really should be the Water & Sewer Board.

Mr. DeVellis stated that is inclination the last time was it was too late to be put on and it was really just thrown in there without good reason and he doesn't really have the background and asked Mr. Keegan to explain it; the funds are there, they just need to be appropriated through this article. Mr. Keegan stated that the funding is already available it is just that they can't use that money without authorization from town meeting. Mr. DeVellis asked why it said "the town will vote to raise and appropriate". Mr. Keegan stated that it is and/or transfer from available funds, which is standard language for appropriation of funds and the money is actually in the Water & Sewer Capital Fund. Mr. DeVellis stated that when someone stands up to present it, it seems like it should be Water & Sewer. Mr. Keegan agreed.

Article #8 - New Town Hall

Mr. DeVellis stated that this is the one article that they have been working with Tracey Vasile and keeping her up-to-date. Mr. Keegan stated that Bill Yukna is absolutely the lead person on that and his committee will stand up and address that.

Mr. DeVellis stated that he has spoken with John Chlebek earlier this week on this and the opportunity for argument and debate is this is on the funds but if someone wants to debate square footage and the process that has been going on who is prepared to walk the Ad Com through what has been done before and what is appropriate. Mr. Keegan stated this would be Bill Yukna because he has been involved since day one and he has already gone through all of those issues. Mr. Keegan knows that there is debate and there are different views as to how this should go forward but at the end of the day it is the architect, the OPM and it is the Building Committee that have responsibility for this project. Mr. Keegan is expecting their space in this and he has asked them when they have issues to come to him when they need to and so far they have done that on a couple of occasions but generally speaking he is guided by what they are telling them. He knows there are different viewpoints on that but he is guided by what they are saying.

Mr. DeVellis stated that this is to raise and appropriate so there is going to be a dollar value and right now they are transitioning to get the construction documents out to bid and the bids back by a certain time so that dollar amount is not going to be known until? Mr. Keegan stated sometime

in early January or February. Mr. DeVellis asked what Ad Com would be looking at until then. Mr. Keegan stated that what they will do is look at all the process that has been done up until this point and they will explain everything to them tomorrow night (Bill Yukna will explain that to them). In terms of the bid process he will give them the timeframe of when that is going to go out and they will know those numbers and they will also give them some indication of what the estimates are at this point. Mr. Keegan stated that the way he envisions this to happen is that this article will be your enabling article for authorization to spend. The motion will carry the actual number in it and the motion can be done right up until the last minute. Mr. Gray asked if there are deadlines for the bids to come in which Mr. Keegan stated that he didn't know the answer to that. Mr. Gray stated that the last time he had spoken to Bill Yukna he was hoping to get everything in by the end of the year. Mr. Keegan stated that he wanted to bid it right before Christmas and then commit after Christmas and into January. Mr. Gray was hoping that they would all be in by the end of December. Mr. Feldman stated to bear in mind that construction costs are up 18% since February with no signs of slowing down. Mr. Keegan stated that even though there are indications that the economy is slow the challenge is that a lot of the builders that were operating a few years ago shrank during the slowdown and just never grew again so there are only a limited number of developers that are actually working and they are all working right now.

Motion by Christopher Mitchell that they change the date on the Draft Warrant to November 4, 2015 and change Article #2 to (2) liquor licenses for Foxfield Plaza and change Article #7 to be Water & Sewer representing it rather than the Board of Selectmen. Seconded by John Gray with the addition to accept the rest of the warrant article as written.

Vote 5-0-0

Motion by John Gray to definitely close the Special Town Meeting 2016 Warrant. Seconded by Christopher Mitchell. **Vote 5-0-0**

Mr. Dunau, Foxboro Reporter asked if they closed the warrant today why they changed the date of the warrant from the 3rd to the 4th. Mr. DeVellis stated because there is a date on the draft of November 3rd already so it is more for clerical when it goes over there he doesn't want them to be looking at the 3rd because it is going to have two different versions. Mr. Dunau stated that it is finalized for the 3rd. Mr. DeVellis stated that they finalized it on the 3rd but they put the 4th date. Ms. Bernard stated that it is like a new draft.

9:59pm – Community Compact – William G. Keegan, Jr.

Mr. Keegan stated that the last time they had this conversion the Board wanted to take a little more time to think about any other issues that they wanted to possibly put forward. The two that gained the most amount of attraction staff wise was the financial policies and the IT issues. If there are others they will certainly bring those along as well. He is anxious to get going on this only because the Board can see the advantage of having that involved in that process Mansfield picked up a huge grant and Foxborough isn't even in that mix at this point.

Mr. Gray stated that he thinks those are good choices and they talked about building a foundation and they also talked about not biting off more than they can chew and he thinks Mr. Scollins is keen to get out the financial policies and he thinks town wide all of their buildings and schools taking best practices for information policies (we are behind) and he thinks that would be a key spot to focus.

Mr. DeVellis stated the last thing they discussed the last time was getting Paige Duncan involved in it early.

10:05pm – Town Counsel Policy – William G. Keegan, Jr.

Mr. DeVellis stated that in the Board's packet it was basically whose authority it is to hire town counsel on behalf of residents and different boards; how it goes about and there is an application in the back that goes through the Town Manager's office. Mr. DeVellis asked for this to be on the agenda only because the last couple of items were appeal items either someone appealing the town's decision or the town appealing someone else's opinion. He did get some calls from some residents saying who is spending the money and how is it going. Mr. DeVellis asked Mr. Keegan to give an overview.

Mr. Keegan stated that the Board of Selectmen has a very good policy in place as to how town counsel is authorized and it is a procedural process where an application is made to the Town Manager's office. More often than not what happens is when a legal action comes to their attention they review it internally and see if there is any other way to address it. If it is clearly a legal action they will propose one or two routes. It goes to town counsel or it goes to their insurance company, either one to see where they have to take the most immediate action. Labor counsel is something that is used primarily from Mr. Keegan's or Ms. Bernard's office (they use them almost exclusively) however if there are issues that come to the attention of a department head that require further attention more often than not they can deal with grievance issues on the local level and if it turns into an arbitration type of situation legal counsel gets involved. Determinations and difficult legal issues on labor type issues they always consult with labor counsel. They have town counsel, labor counsel and they also have special counsel in some cases. Special counsel is for the Water & Sewer Department for a very specialized type of work. Town counsel is more of a general nature handling issues such as the warrant getting reviewed by town counsel and town counsel also has some specialties themselves; they have dealt with some Conservation Commission matters because they have a specialty in that type counsel who is Kate Connolly; she has been very helpful in that area and specializes in that area. They are also used for the Zoning Board of Appeals when a case is appealed. The issue there is that they are protecting the decision making process of the ZBA; that is the integrity of their process. More often than not on a case like that the counsel for the advocate is the one who will take the lead in that defense and they will serve as secondary counsel in that role. They don't spend a lot of money in that, it is more that they file an appearance to protect the interest of the individual board members and their decision making process but the decision itself is usually done through the advocate who filed the permit.

There are not a lot of requests that come for the use of town counsel, he thinks he has had a total of three and he has those requests as well in his file but more often than not they are

administrative requests more than they are actual legal cases. There have not been a lot of cases since Mr. Keegan has been here.

Mr. DeVellis stated that one of the roles of the Selectmen is to settle lawsuits on behalf of town. At what point where an application comes in to the Town Manager and you authorize it and then it proceeds to litigation. The crossroads of throwing bad money after good, who makes that decision that enough is enough and he has to bring it back to the Board and how do they get updated on that. Mr. Keegan stated that it hasn't happened yet and he hasn't run into that situation personally. Mr. Keegan stated that the process he uses is before he even has counsel engaged in this he tries to look at what they are looking at cost wise. What is their outward type of exposure on this case? Insurance counsel is a different story because they have a little less involvement in that because they pretty much run that process for them but when it gets to a point that they are looking for a settlement of course they will come to the Board and look for resolution. If it gets to a point where Mr. Keegan is not comfortable with a case that is proceeding and it is costing them a lot of money and he doesn't see an end in sight, which is the time when he will talk to the Board and ask them what they want to do.

Mr. DeVellis asked about the reconciliation for the budget for counsel with respect to the general budget and the special different budgets and the different departments how is that all reconciled. Mr. Keegan stated they have a separate budget where the budget for town counsel has sub lines. Special counsel for Water & Sewer is paid out of the Water & Sewer fund and it is not paid out of our general counsel budget but they have general counsel and labor counsel paid out of town counsel budget.

Mr. DeVellis stated that Mr. Keegan has a board of five and they have town counsel and in the past different members and different boards had the ability to go to town counsel and some years they didn't and were protecting themselves. Mr. DeVellis would like some direction from Mr. Keegan how he would prefer if one of them want to go to counsel. Do they go to the chairman and then the chairman goes to the town manager, do they go directly to counsel or do they fill out a form. Mr. Keegan stated that the Board's policy specifically says "the individual members of the Board recognize that their authority under the statute of the Town Manager Act is exercised through the entire board acting as body in a lawful manner". If an individual has a request to use town counsel they should come to a board meeting and request that authority to do so. The individual members of the board do not have authority as individual members to go to counsel. If there is an issue that comes up Mr. Keegan's advice to them would be to request that authority from your board. Mr. DeVellis stated so they would have that on the agenda as an item or an executive item. Mr. Mitchell stated that he would think depending on the circumstances that it would be an executive item.

Mr. DeVellis asked the Board if they were okay with that policy with respect to counsel. Mr. Gray stated that they have looked at this policy a number of times over the years and it is pretty solid.

Mr. Keegan stated that there are instances where there is an exception to that. Mr. Keegan read from the policy. "Without seeking a vote of the board individual members of the board may contact labor counsel directly if the following conditions are met:

1. An individual member is seeking counsel on a conflict of interest issue or personal liability issues involving a board member personally.
2. A board member must advise the town manager for purpose of going forward with an issue.

If the board is doing that just let him know so that when it shows up on the bill they know it is there.

10:08pm – Town Manager Update – William G. Keegan, Jr.

There were two meetings yesterday. One happened about 3:30pm which was a tour of the Rt. 140 corridor with Representative Barrows as well as members of his staff; members of the DOT staff and the District 5 Office in this area just to familiarize them with the areas of concern along Rte. 140 in Foxborough specifically. Kevin Weinfeld from the Planning Board was there as well as Ms. Coppola who represented the Board of Selectmen. There are a lot of new people in District 5 and the fact that you can exchange a name with a face is always a good thing for them to be able to do that and also to understand some of the issues directly. It is better for them to actually see it in person as to actually see it on a map sometimes.

He then headed to Mansfield where they had a DOT Capital Open House where they talked about all kinds of different projects that are going on around each of the various communities. Mr. Keegan was able to talk to Frank DePaola who is the Secretary of Transportation and was able to let him know the things we are dealing with locally including trains and road issues and studies so he is aware of those things just to make sure that he is putting a name to a face as well. It was very helpful from that perspective.

Mr. Keegan wanted to congratulate Aaron Hyre who won the State IT Award for Foxborough. That application was put forward by the School Department with Mr. Keegan's full support for the work that he has done here in the community in the past year has been nothing short of miraculous in terms of pulling all of the pieces together and some of the things he has done in the schools is extraordinary. It is certainly well deserved. They are very pleased and happy for him and for the School Department in sharing him with us.

Ms. Bernard stated that they posted today a position for a Firefighter and Paramedic. One of their firefighters gave his notice and is actually attending the State Police Academy so he was one of their Blackhawk helicopter pilots and decided to go from fire service to police. He resigned as of October 18, 2015 and they were very grateful for his service. They are posting that position and if anyone has firefighter/paramedic certification and are interested, the posting went up today and closes on November 20, 2015.

10:25pm – Action Items

Motion by Christopher Mitchell to accept a gift donation in the amount of \$325 from Multiple Donors to benefit the Senior Center in the Memory of Ted Inman to the Council on Aging. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to accept a gift donation of \$3,525 from Multiple Donors to the Friends of Flagpole Fund. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to accept the early openings at 11:00am on all Sunday Patriot Home Games starting at 1:00pm on November 8, 2015 and December 20, 2015 to the MBC Inn/Ancient Marinere. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to accept the gift donation of \$100 from William & Christina Belanger & Virginia Coppola for the purchase of Veterans Turkeys. Seconded by John Gray. **Vote 5-0-0**

Mr. DeVellis stated that the money should go through the Touch Down Club not the Town of Foxborough as stated.

Motion by John Gray to rescind the previous motion. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Christopher Mitchell to accept the extension of hours of CBS Scene Restaurant on January 1, 2016 to close at 2:00am instead of 1:00am. Seconded by John Gray.

Mr. Gray stated as far as precedent from previous years have we done this before. Ms. Coppola stated that they have done it before; they didn't do it last year because no one requested it.

Vote 5-0-0

Motion by Christopher Mitchell to approve the early openings at 11:00am on all Sunday Patriot Home Games starting at 1:00pm games being November 8, 2015 and December 20, 2015. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to accept another gift donation of \$325 from Multiple Donors to benefit the Senior Center in Memory of Ted Inman to the Council on Aging. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to accept the early openings at 11:00am on all Sunday Patriot Home Games starting at 1:00pm on November 8, 2015 and December 20, 2015 and any Home Playoff Games on Sunday starting at 1:00pm (TBD) for Bar Louie. Seconded by John Gray.

Ms. Coppola asked what about the people they have granted early openings. If there are any playoff games do they have to request it again? Mr. DeVellis stated that they have to request it again because it is not part of their liquor license. Mr. Mitchell stated that maybe Fox Cares could work on this and just have a list stating who wants this. Mr. Mitchell stated that everyone

wants it and it would be easier than just having them dribble in. Mr. DeVellis stated that if they forget and their abutting business has one you are at a distinct disadvantage.

Vote 5-0-0

Motion by Christopher Mitchell to approve the appointment of Joe Sheehan to the Personnel Wage Board expiring May 1, 2016. Seconded by John Gray. **Vote 5-0-0**

Mr. Dunau stated that he wanted to follow up on the Memorandum of Understanding with the Stadium. Mr. Dunau stated that they are going to have the Selectmen, the Town Manager and counsel try to work out that memorandum and the way he understands it, it would only apply to this year and then hopefully drill into May town meeting the lease itself. Mr. DeVellis stated correct. Mr. Dunau stated that the memorandum would only be for the revenue for this year in which Mr. DeVellis stated for this season. Mr. Dunau stated that the town wouldn't be giving up their claim to that seat revenue in subsequent years hypothetically in which Mr. DeVellis stated correct.

Motion by Christopher Mitchell to adjourn at 10:50pm. Seconded by John Gray. **Vote 5-0-0**