

TOWN OF FOXBOROUGH  
SELECTMEN'S MEETING  
JUNE 9, 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. Jack Authelet, Town Historian  
Mr. Bill Grieder, Planning Board  
Ms. Heather Harding, Recreation Board  
Ms. Jess Enos, NPS, LLC  
Mr. Mike Ashapa, Stadium Advisory Committee  
Mr. Paul Holley, Splitsville/Howl at the Moon  
Mr. Dan Glaberson, Splitsville/Howl at the Moon  
Mr. Roger Hill, DPW Director  
Mr. Christopher Gallagher, Town Engineer  
Chief O'Leary

The meeting was brought to order at 7:00 p.m. by James DeVellis.

James DeVellis read the agenda.

**7:00pm – Citizen's Input – Jack Authelet**

Mr. Authelet stated as thousands gather for Founders Day they are going to see us promoting on the message board an event that would have taken place one full month earlier; meaning the message had been there for five full weeks. He doesn't think this is the image that we want to present as a town, that we are promoting something five weeks old. Whatever the reason it is embarrassing. He also thinks all of the different clubs and groups running organizations and all the people in town that run charitable events and fundraising events who have been denied the opportunity to have their listing on the message board. These organizations represent part of the heart and soul of this community and this opportunity has been taken away from them and he simply fails to understand what happened. He thinks we need an explanation of what is going wrong with our message board and why we are letting the people down without the message board filling its customary role in the community.

Mr. DeVellis stated point well stated and right on point. He asked Mr. Keegan to look into this. Mr. DeVellis stated that this has a long history before Mr. Keegan even got here, the message board process and he thinks right now the DPW is the manpower that changes it so at least ASAP get it addressed and get the May event off of it. The Selectmen would like an update at

their next meeting; it could be under the Selectmen's Update or Town Manager's Update but if the town or the DPW process is broken or they don't want/can't do it there are other groups that can do it. Mr. Authelet stated to put it on the Senior Work Program. Mr. DeVellis stated to find a solution because there is a lot of missed opportunity, especially with graduation coming through. Mr. Authelet stated that whatever the solution, at least take down what is there now; a blank message board wouldn't be as insulting to the town as a month old event.

Mr. Keegan stated that Mr. Authelet had reached out to him earlier about the message board and he was thinking that it was the electronic message board that were around town so Mr. Keegan had misunderstood Mr. Authelet's message when he said that. There are several electronic message boards being used for construction right now so he took that as meaning it was an electronic message board. Mr. Authelet stated that it was the message board that has been here ever since Mr. Keegan has been here; it has been there for decades. Mr. Keegan stated that this is something that he hasn't really worked on since he has been here. He stated that we really need to have someone that can do it on a regular basis and he thinks quite honestly having the DPW do it is probably problematic because all of the projects that they are working on. If we can get someone else to do it, Mr. Keegan would prefer to do that.

Mr. DeVellis stated that this was a big discussion prior to Mr. Keegan coming on as town manager. When they looked at putting an electronic billboard there and a group actually refurbished it recently but there were some commitments made from the town and there were budgets and manpower hours discussed but we can revisit that offline and then revisit that in two weeks.

Mr. Authelet stated that people had spent a great deal of money to refurbish those boards and now to just have them shutdown, which has never been an option.

Mr. DeVellis stated that this will be addressed before the weekend and the Board will put it back on the agenda in two weeks.

### **7:07pm – Sharon Wason, Town Planner Discussion – Bill Grieder, Planning Board**

Mr. DeVellis informed everyone that Sharon Wason was our Town Planner and passed away very unexpectedly several weeks ago. Ms. Wason came to Foxborough in 2011 and she came with quite a portfolio; she was very well educated; very skilled as a town planner and she did some tremendous things for Foxborough in a short period of time that she was here. An amazing amount of grants but what Mr. DeVellis remembered mostly was her ability to work with all the boards. She would bring in projects and she would work mainly with the Planning Board but also the Advisory Committee, the Board of Selectmen, the warrant articles at town meeting. She was very professional and very courteous and she had such an outreach through town in this short period so she will be missed immensely. There are services for her and her family tomorrow. Her husband James and two adult children Katharine and Andrew will be there and it will be from 4:30pm to 7:00pm at Roberts Funeral Home and then there is going to be a family service at 7:00pm and there will be a celebration of life at 7:00pm.

Mr. DeVellis wanted to make everyone aware of the arrangements and to share our loss they will do a moment of silent meditation and then Mr. DeVellis invited some people to talk about a topic related to this.

Mr. DeVellis called for a moment of silent meditation in honor of Sharon.

Mr. DeVellis stated that there was an idea and over the last couple of weeks Mr. DeVellis has been speaking with a Planning Board member, Bill Grieder, Chairman of the Recreation Board, Heather Harding and Deb Giardino on a fitting way to pay tribute to Sharon for the work that she did. Some different ideas were floated around and one idea that came up that Mr. DeVellis wanted to share with the Board is where a lot of Sharon's work was; you can see it; she worked on our Master Plan; she worked a lot on where the town is going; but the grants that she brought in and the developments that happened you can see it down on Payson Road. If you go down Payson Road whether it is the speed bumps that are there, the State Hospital property, the playground, the fields that the kids are playing on now, the parking lot where the "Touch A Truck" is, the new fields that are going in all the way down to the football area kind of all have Sharon's fingerprints on it. They were kicking around the idea of putting something down there that would personify what Sharon was all about. Just before she had passed one of the grants that the Planning Board had received with Sharon, they poured a 20' x 40' concrete pad down there and Mr. DeVellis was getting a lot of questions a couple of weeks ago and they had pictures with the LaCrosse Team down there and what was that for. There wasn't a specific plan, it was build a pad and we can do something later. Talking with Bill Grieder, Heather Harding and Deb Giardino on different thoughts that could go down there they came up with a pavilion/sun shelter/gazebo; something that we can build down there that the kids/family can enjoy (picnics/getting out of the sun/rain), it is the focus of the location. Mr. DeVellis stated that it is fitting for that area.

Mr. DeVellis did a little bit of research and shared it with Bill Grieder and Heather Harding and he passed it out to the Board. The idea is not to just order something off the shelf and have a contractor build it. What is fitting to Sharon and the service that she did for Foxborough if you can envision a barn raising ceremony where this company would take the design and they would cut it and have it all disassembled in their shop and they would bring it to Payson Road on a Saturday morning and what they said they could do is bring it at sunrise and by sunset they will have the roof on it and the idea would be to reach out to the volunteer groups; the different boards and committees; the town workers; the Payson Road neighborhood; the contractors that work down there and as far as the Facebook Discussion Group people that are so involved and everyone has different ideas so let's put people together and get this done. It is a little more economical to do it that way but it brings the community together. He can see the kids cooking the hamburgers and hot dogs and bringing it to the workers and everyone working together for something that is going to stand for something that is so significant and is kind of a community achievement.

Mr. Grieder stated to echo what Mr. DeVellis had been talking about was one of the first things that happened after Sharon left us and people were talking with Gaby and Diana it was that we need to do something to honor Sharon. Gaby and Diana actually came up with a tot area because Sharon was a mother hen with staff and a mother hen with projects and she certainly was a

mother hen to the Board keeping them on the straight and narrow as much she could so the tot lot was a good area. The Planning Board was going to come in front of the Recreation Department and Board of Selectmen and ask if that was something that they would buy into and then with conversations with Ms. Harding and Mr. DeVellis they talked about going forward with a pavilion area which was in their plans for the Payson Road project and at first they didn't have money, they cut it and then they did some reshuffling and that was added back in so the pad was put in with the idea of future development. This certainly plays in to what they were thinking as a board and it certainly lends itself to what the Recreation Department wants to do and Ms. Harding can speak to that. They are very excited that there is a possibility of community participation to honor someone that brought so much to the community.

Ms. Harding stated that from a Recreation meeting next Monday so they haven't officially discussed it as a Board but they have always had this on their list; initially it was in the original plan and then it was scrapped for money reasons but they had put it on their own internal project list and they review that whenever they can and she didn't know when it was going to make it to the top because of the funding mechanism but she sent this information out to the board and she invited anyone who wanted to come here tonight to hear it and we will have an additional discussion next Monday night and hopefully move it along. She is only one vote but she thinks her board would be willing to work with all the other groups and try to push this up to the top of their list and get this done. Mr. DeVellis stated that their meeting will be an open meeting but if other boards and committees want to come tomorrow being Thursday they would have to post it and then they would have a full discussion. Ms. Harding stated that it was on their agenda anyway to discuss it but if anyone else wants to come they would love all the help that they could get. Mr. Grieder stated that they will talk about it under "New Business" Thursday night and they will post it because everyone is very interested in doing something.

Mr. DeVellis asked Mr. Keegan to send an E-Mail out to the boards and committees to make them aware of this discussion. Some wanted to come tonight but just because of the timing they could not; it is not that they were excluded or didn't want to be here just physically it is difficult under the Opening Meeting Law.

Ms. Harding stated that it would be nice to get contact information for the group of people that want to be involved so instead of everyone having to go to everyone's meetings if they could starting E-Mailing her, Mr. DeVellis or Mr. Grieder so they could start forming a group of people that want to work on this and then continue to reach out to them instead of going in circles. Mr. Keegan asked if they had a date in mind for an organizational meeting in which Mr. DeVellis stated probably Monday because that would be the first step to discuss it because the Recreation Board has to be behind it and at this point Mr. DeVellis doesn't know who owns the land down at Payson Road whether it is the Recreation, Planning or the Board of Selectmen. Ms. Harding stated that the town owns it and Recreation oversees it. Mr. DeVellis stated that it would be a collective effort and start Monday and after that they will get a "to do" list going and circulate it. If it goes the way Mr. DeVellis thinks it could go, July and August are difficult but the way the post and beam construction is, it is money and design. July and August they could work towards that and then September and October there is no reason why it could not be put together. Mr. Grieder stated that he spoke with Ms. Wason's husband and daughter today because they didn't know how the family was going to take it so they ran it by them and they

were absolutely thrilled with the fact that the town is going to recognize her work. Mr. Grieder didn't give them any specifics he just told them it was something to do with the recreation area. One of the things that Ms. Wason was working on was to meet the requirement for a park grant was a sign had to be in place with some verbiage on it. That was installed this afternoon and they had a couple of members go down and check it out. Mr. Grieder stated that it is one of the nicer signs but it is a carved, very appropriate sign. Mr. Grieder checked with Mr. Laliberte to make sure the placement was going to be okay; that it wouldn't impact their maintenance and they are going to put mulch around it so they can do full swing mowing and not have to get out and do things. Ms. Wason's family went by today to check it out but they will definitely be checking it out tomorrow night; they are thrilled.

Mr. DeVellis stated that his son graduated this Sunday and he was listening to the graduation speaker and also the two Senior days that they had the common thread that was coming from all the kids this particular class had deep roots in the community; they had community inclusiveness and they worked through adversity with two children that had passed in their class over the years and he doesn't know if they are taking keys from the kids or vice versa but he sees the adults and Foxborough as very lucky, these kids don't need much between the classes and sports and all of those things and it is nice for them to get involved and see where this stuff came from and Sharon was certainly one of the people that brought that forward so he sees this as a town wide effort and he is very optimistic.

Mr. Gray stated that he spoke to Mr. Grieder last week about this and he filled him in on the strategy and what the image was going to be. Last week they gathered at Town Hall for a remembrance/gathering and the one thing that struck him about Ms. Wason was that he was down in her office with Steve Udden many years ago and there was a particular thorny issue about the warrant article and Mr. Udden and he must have sat there for two hours asking the same questions over and over again and what impressed him most about Ms. Wason was her infinite patience with the process and he knows that she was bombarded with input and tugs and pulls from every department in town and she was a steady foundation for the town and her work he hopes continues and she will be missed.

Mr. Mitchell stated that he took a ride down to Payson Road over the weekend and looked at the location of the slab and it is an ideal location for a gazebo. He goes into a lot of communities across the country with his job and every community you go through you drive by and they have a playground and huge pavilion like this so it is nice that we will be able to do this and do it for Ms. Wason.

Mr. Feldman stated that he thinks no matter what we do it is probably not enough for the impact that Ms. Wason has made on the town. He didn't know Ms. Wason very well, he only served on one committee with her which was the Town Hall Working Group which was contentious at times to say the least and there were times where some of the discussion was going in a different direction than maybe they wanted it to do and he would be getting up in his chair and Ms. Wason would just give him the look and he would sit back down. She definitely had a very calming effect on a lot of people and she kept things on point. He likes the idea of a barn raising and he attended the same senior graduation events as Mr. DeVellis and he will tell them that they are taking the cue from the students; they are not taking it from them. If we are going to do

something he wants it to be lasting and they can build a gazebo but he thinks they should take it a step further and name if not all of Payson Field at least the tot area in Ms. Wason's memory. Mr. Grieder stated part of this process is they are expanding the tot area and Ms. Jordan and Ms. Gray are picking up the pieces here and they are going to be talking with the School Department so they can use their buying power to stretch their dollars a little bit more and he was talking with a couple of mother's today and asked them what they think of the playground and what do they think of the lot and they just liked the fact where it was and they were appreciative of the fact that the town was going to grow it and there hasn't been one negative comment from any of the people that he has spoken with down there; it is a terrific spot. Ms. Wason's husband actually said today that this was one of her pet sections with the project was the tot lot.

Ms. Coppola stated that Ms. Wason was involved with so many things around town that they probably will never know how much she was involved in but she knows that the tot lot was her baby and she thinks this is very appropriate.

Mr. DeVellis stated that they have heard it from the Board, they have complete buy in and they will take their lead on starting the meeting process so again if they have some time and they want to join it, lead it or contribute your time, Monday the Recreation Board meeting is at 7:00pm at the booth and having said that is there enough seating in there. Ms. Harding stated that she was just thinking about that and they might have to move it but they will figure it out.

Mr. Keegan asked if they wanted him to send an E-Mail for people to attend that meeting. Mr. DeVellis stated yes, let them know that there is going to be a meeting on Monday to discuss this and if they want to join it, just be cognizant that if they are on a Board the board needs to post it. It is probably one of those meetings where it is better safe than sorry, if people show up you just hate to say go away because people have some valuable input. Ms. Harding stated that she would like to see people that aren't on any board show up too. If there are people that watch this meeting and say hey, they would like to help she would like to just get a data base together of people who are willing and what are they willing to do so that they know how to reach out to them. Even if they just come and sign in and give them their information so they can get a list going. Mr. Keegan stated they will connect with Ms. Harding tomorrow on the details.

Mr. Grieder stated that they are also going to reach out to the Payson Road neighbors that just moved in to the complex; they really worked a lot with Ms. Wason on the tot lot and the speed bumps and so they took a very active participation so they don't want to slight them by not offering it. Mr. DeVellis stated absolutely and Ms. Jordan can attest to this, were E-Mailing them that something should be done and they wanted to participate so it is not going to be a hard reach to get them involved.

Ms. Giardino stated that she just wanted to point out that when the tot lot was built, that was a one day project built by a non-profit Kaboom and they were chosen because they were an NFL community so Ms. Wason would be in great company because Myra Kraft was actually down there planting flowers and they had some of the Patriots down there building picnic tables and that whole playground was built; it started at 6:00am and was done by 5:00pm so what you see was actually a labor of love and a lot of sweat equity so Ms. Wason will be in great company.

### **7:28pm – Selectmen’s Update**

Mr. DeVellis wanted to give a shout out to the School Department, Deb Spinelli and the School Committee. It was a tremendous week with the graduating class and everyone got through it safe. There was a senior night that was Sunday night that was run by the underclassmen parents and Dotty Dundan did a tremendous job. All of the kids could go there from the beginning until 5:00am and return safely so that is something that you can’t take too lightly so he wanted to thank them for that. He also wanted to thank the Kraft organization as they provided Showcase Live for that venue and he thinks that was free of charge.

They just got finished with dodge ball which was about 500 community people coming together and volunteers and the Kraft Group donated the stadium for that so thank you to all the volunteers and that generosity.

Father Steve since their last meeting has retired from Foxborough and moved to South Boston and it was nice to see hundreds of people show up and he was their Chaplain for the Fire Department and he will be sorely missed. There was a tremendous outpouring from the community to say farewell.

June is incredibly busy and just to let everyone know that Concerts on the Common is starting in two days on Thursday 7:00pm – 9:00pm and traditionally the Foxborough High School Jazz Ensemble is going to be there followed by just about every Thursday through the summer so if you get a chance to come to the Common on Thursday night courtesy of the Jaycees and courtesy of a tremendous amount of businesses in town that donate for that.

Founders Day is on Saturday so if you get a chance come down and it starts about 10:00am and people start to organize about 9:00am in the parking lot across from the Mobil on Route 140 and it is a great day.

Sunday is the Fishing Derby and it is sponsored by the Recreation Department and that is another free service.

Next Friday, you don’t hear as much about this because of the other things that are coming up but they have Relay for Life and that is at the Ahern School so if you have a group or someone you want to reach out to on that those are tremendous community projects that are going on.

### **7:30pm – NPS, LLC – Public Hearing – Drum Corp. Band Competition, Jess Enos, NPS, LLC, Mike Ashapa, Stadium Advisory Committee**

Christopher Mitchell read the public hearing notice.

Ms. Enos stated that she is before the Board this evening requesting an entertainment license for the Drum Corp., International Marching Band Competition. They have that event at the stadium or a similar incarnation of this event at the stadium back in 2005 and it was actually the event that started the demise of their natural grass field; it never quite recovered after having hundreds of fan members upon it so they are asking for Thursday, July 22, 2015 and the start time is

6:30pm and they are requesting the parking lots open four hours in advance and parking is included in the price of the ticket so it is not a fully staffed parking event.

It begins at 6:30pm and ends and there is an intermission at 8:30am and the event is conclude at 10:20pm and they will request an 11:15pm end time per town curfew and also to allow some leeway in the event of any issues with rain/thunder/lightening.

This event starts at 10:00am and the bands will start to arrive and there is some assembling in the parking lots so they will be doing mock walkthroughs and some warm up and practice. The group that organizes this, the promoter which is Inspired Arts & Music, they are very cooperative and they know the drill and they know that they are located in a residential area so they will be respectful of the town ordinances with respect to beginning and ending of any practice that they have. There are eleven different corps that compete in this particular competition so it is a small event that they only have about 3,200 seats distributed and they expect a maximum of 6,000 and it will be entirely in the lower bowl and the East Club and it will be entirely on the east side of the stadium so the club component is actually sort of a private banquet function that takes place so the demand for the Club House isn't actually attendance driven, it is because of the private event that happens before and then everyone filters out into those red seats to actually enjoy the competition.

They are 3,200 now and maximum is 6,000 and that 3,200 are actually distributed, it is not even just sold. It is a small event but it is a unique event.

Mr. Ashapa stated that they found no problems with this at all.

Mr. DeVellis stated that in the Board's packet there is a memo from the Police Department, Fire Department and the Board of Health; several of the staff are here and if there are questions they can answer them or if there is an opportunity if there is anything that is controversial feel free to speak up but he is not sure that they need to present anything. Before they open it up to the Board Mr. DeVellis asked the Town Manager if there was anything new he wanted to add. Mr. Keegan stated that the application is fine and they are in the process of working through their insurance issues so they obviously want the Board to make note of that as part of their motion tonight but they are actively working on that piece and hope to have some resolution by next week so the note is trying to make sure they have everything in place by the Board's next meeting.

Mr. Gray stated that this was submitted on February 25, 2015 and he didn't know if there was a snag that kept it from getting to the Board of Selectmen. Ms. Enos stated that it was submitted at the same time as nine other Entertainment applications that they had so she thinks it was just getting processed through the front office at town hall.

Mr. Ashapa stated that he thinks with the new person handling the Board of Selectmen, they had a problem getting things scheduled and he thinks it got all straightened out. Mr. Gray stated that he didn't know if it was an on again/off again type of thing in which Mr. Ashapa stated no.

Mr. Mitchell asked if there was a rain plan or is this just canceled. Ms. Enos stated that it is rain or shine but part of the reason they definitely want to ask for that 11:15pm curfew is because she knows that the last time they did have it, they had a shelter in place for a brief window of time because they will perform in the rain but they are holding instruments and standing in the middle of the field so if it becomes a thunder and lightning situation it does need to be paused indefinitely.

Mr. Mitchell stated that the Harvard Pilgrim Race is the following night so there won't be any interaction with that. Ms. Enos stated there will be a little bit because they will be doing the pickup for the Finish at the 50 which is a really well registered road race so they will end up having some cross over between the two and they might even do some cross promotions where you can purchase a discounted ticket closer to the event and hope that it generates some sales to the event.

Mr. Feldman stated without any weather delays or concerns what is the actual schedule timeframe. Ms. Enos stated they would start at 6:30pm/8:30pm intermission for 25 minutes and end at 10:20pm and that is everything runs perfectly. Mr. Feldman stated that they allow a 45 minute window in which Ms. Enos stated yes.

Ms. Coppola stated that Ms. Enos had stated that practice starts at 10:00am so there will be activity from actually 10:00am all day long in which Ms. Enos stated yes. Ms. Coppola stated regarding the noise level, will they be notifying the residents what is going on because she doesn't know what the noise level is going to be but do they usually send out an E-Mail blast or something. Ms. Enos stated they have a notice that will be published and it is included in the mailer "Partners in Patriotism" newsletter which will be in the mailboxes by the end of next week so people in the community will be aware of it. Ms. Coppola stated just so people know that there will be possibly a noise level all day long. Ms. Enos stated yes.

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

Motion by Christopher Mitchell that the Board approve the Drum Corp. Marching Band event for Thursday night, July 22, 2015 but this approval be conditioned upon the town receiving evidence of insurance coverage from the applicant that is acceptable to the Town of Foxborough and that evidence of such coverage shall be received by the Town no later than June 23, 2015 or the next meeting of the Board of Selectmen. Seconded by John Gray. **Vote 5-0-0**

**7:39pm – NPS, LLC – Gold Cup Soccer Match, Jess Enos, NPS, LLC, Mike Ashapa, Stadium Advisory Committee**

Christopher Mitchell read the Public Hearing Notice.

Mr. DeVellis stated similar to the last public hearing there are notices from the Police Department, Fire Department and Public Health.

Ms. Enos stated that this event is a Concacaf Gold Cup which is a FIFA sanctioned event and they are asking for two matches; the first of which will begin at 6:00pm and the second is supposed to begin at 8:30pm. This event is Friday, July 10, 2015. Ticket prices for this event are between \$30 and \$150 and there are about 12 different price points which is typical and they see that a lot with their international soccer matches. The anticipated attendance is about 25,000 so this will be contained entirely to the lower bowl. This will be the largest event that they will have on site with the opening of the new bridge. The new expanded bridge in their north end zone which is being built out throughout the off season will be open and operational for this event so it will be interesting to see how the pedestrian traffic flows and the best way for them to manage it. Obviously they are excited to have that and to have a full lower bowl event where it will be centrally almost completely full and see how the ebb and the flow of the crowd works with the new expansion. This event they are requesting the standard parking lot open time four hours in advance and they will obviously work with public safety to secure that and it is a paid parking event so they do anticipate a good amount of tailgating which they do see with all of their international soccer matches but on a much smaller scale because they are only anticipating about 25,000 people.

Mr. Ashapa stated they didn't see anything of major concern but this from a historical standpoint when they have the Central American teams coming in here they can get kind of exuberant from time to time and traffic coming in on a Friday night and he doesn't know if the Board remembers the last time Brazil came in here but it kind of messed up Route 1 but it happens.

Mr. Keegan asked if they are going to be replacing the infield grass or is it going to be somewhat the same as the other game. Ms. Enos stated yes, to the best of her knowledge it was going to be a grass field which is standard for any field sanctioned match.

Mr. DeVellis stated to Chief O'Leary that Mr. Ashapa brought up a good point where it is a Friday night and the crowd that is going to be coming in it might not be coming in all of the time but are there special provisions for traffic. Chief O'Leary stated in talking with the State Police about the management of lots where it is going to be a parking situation some of the satellite lots will open so he will be talking with the State Police about the traffic management plan ahead of time given it will be peak commuter hours they will start seeing fans arrive.

Ms. Coppola stated in the Stadium Advisory report it said the department is currently working with the stadium to replace the two twelve year old technical support control vehicles and she asked if those were the golf carts they had been talking about the last few years. Mr. Ashapa stated that he would defer that to the Police Chief. Chief O'Leary stated that yes, that was correct and the golf carts are running into a financial lifetime situation and he has started a conversation with the Stadium Advisory Committee and an NFL Trainer earlier this week. Ms. Coppola stated that this has been ongoing for at least over a year and maybe two years. Mr. Ashapa stated that the prior concerns had to do with the Fire Department and those vehicles were replaced so this is new this year. Ms. Enos stated yes, she thinks that is the confusion; those were TSU's that the Fire Department used. Chief O'Leary stated that the Fire Department had a patient pick up in remote areas that they couldn't get ambulances in and they are looking to have a more vibrant type of vehicle because they are expanding some of the areas that they will be

traveling due to the entry point off of Route 140 as well as getting around the lots more effectively in a golf cart as it is not a college campus that lends itself to easy travel.

Mr. Mitchell asked where the bridge that Ms. Enos was speaking about in the north end zone was specifically located. Ms. Enos stated that it is actually the existing bridge so if you are looking at the north end zone you will see the lighthouse which is a tall structure and then it connects their east and west concourses so it was just a really narrow bridge and it has the navy blue decorative trussing underneath it and it arches over and it is a field entrance as well so if you are going to a concert it is what you will be walking underneath in order to get on to the field. It is up to code and it worked when the stadium was originally designed but they found it can create a little bit of a log jam and it can just be an uncomfortable experience for people trying to pass between the two sides of the stadium so they started construction as soon as they knew they were out of the building and the Patriots were done for the season and they have been working around the clock so it is scheduled to actually open next week so they will have a couple of Rev's matches and some smaller events and this will be the largest event that it will be on. Mr. Gray asked if they were just making it wider in which Ms. Enos stated yes. Mr. Keegan stated they were out there a couple of weeks ago to view all the changes that were going on at the stadium and he stated that it is impressive and they have actually made that a very nice area for people to pass through and it is almost 2-3 times the size of what it was. Ms. Enos stated that it is a big expansion and it is a great spot to stand especially during a concert if you just want to get up and walk around and take a break. It is a different vantage point and they couldn't allow people to stand because it became way too crowded so now it will just create a better experience for people.

Mr. Feldman asked if Putnam Parkway was going to be open for this event or access off of North Street. Ms. Enos stated access off of North Street yes but she doesn't believe they will be issuing parking passes; so some limited vehicles and emergency vehicles.

Motion by Christopher Mitchell to close the Public Hearing. Seconded by John Gray.

**Vote 5-0-0**

Motion by Christopher Mitchell that the Board of Selectmen approve the Gold Cup Soccer Match on Friday, July 10, 2015. This approval is conditioned upon the Town receiving evidence of insurance coverage from the applicant that this is acceptable to the Town of Foxborough and that evidence of such coverage shall be received by the Town no later than June 23, 2015 or by the next meeting of the Board of Selectmen. Seconded by John Gray. **Vote 5-0-0**

Mr. Ashapa stated on behalf of George Bell, Chairman, Stadium Advisory Committee he would like to extend to the Selectmen and the Town Administrators to join them one evening at the stadium to see what they do behind the scenes and look at what goes on at the event. Mr. Mitchell asked if they had a date in mind. Mr. Ashapa stated any event. Ms. Enos stated any event they would like to observe as the Stadium Advisory Committee is present at every event. Mr. DeVellis stated at that event obviously they wouldn't be sitting down to watch the game but they could go down to the bowels of it and look at the holding areas and security.

**7:48pm – Splitsville/Howl At the Moon Public Hearing Cont'd – Change of Hours on Entertainment License, Paul Holley, Co-Owner, Dan Glaberson, General Manager**

Mr. DeVellis stated if the Board recalls Mr. Glaberson had come in at the last meeting to extend their hours earlier from 8:00pm to 6:00pm for various reasons. There was some discussion and there was also some ambiguity maybe on the Board's end of the closing hours at the other end and he thinks they had understood that they were keeping the closing hours the same so basically they are looking at a two hour earlier start on the entertainment. The Board continued the public hearing and asked them to come back and there are no rules on a specific presentation but wanted them to come in just to kind of present a little bit of why they needed it, the benefits and just continue that dialog. Mr. Holley thanked the Board for allowing them to come back and he did have the opportunity to talk to the Town Manager and Chief O'Leary to clarify the ambiguity and they apologize. The request is actually to start the entertainment on Thursdays at 6:00pm versus 8:00pm but not change the end time of the entertainment. To give the Board a little background, they have been in business now for ten months out at the stadium and he thinks they have operated well and he thinks they have operated cooperatively with the town and the various departments within the town and he thinks they have proven through the last ten months that the use that they were bringing to the town has added if not only to the town but to the complex in general and it is a good business. He thinks what they have also realized that over time like any new business you learn as you grow and through the last ten months one of the things that they have learned is the weekend business out there is pretty good and the week day business can be spotty at times but when there is business, it is usually early. In a residential community like this the business that exists tends to exist early and they want to try to do everything they can to appeal to that earlier business and they have focused on this one small provision because they know that there is sensitivity to the overall entertainment license and they really do want to demonstrate a full year of performance before they address anything on this and they did want to focus on this one small provision. Basically they see an opportunity on Thursdays, specifically earlier, to add to their core business which is bowling and food to add a component of entertainment. They don't view that entertainment as being non-family friendly quite the contrary, they hope it is actually additive to the family experience on Thursday. They are not envisioning changing the over 21 policy because the hours of the show move up a little bit. They did a Jaycee event last year on the Common and it was very family friendly and there were a lot of young children there. Anyone who has ever been to a game day where their show has been presented on game day, a lot of the parents that go to the games will come in with their kids so they don't view this change as anything more than them being allowed to provide a little different service and a little different experience to try and differentiate themselves from other businesses in the complex and other businesses quite candidly in the town that they compete with for that limited business that does exist on a Thursday and that is simply the request that they are trying to make here. Mr. Glaberson stated that MR. Holley summed it up and that he agrees and thinks it would be extremely beneficial to their operation down at Patriot Place. Mr. Holley stated that Disney does live music at their complex and Splitsville in Disney does it all the time at 2:00pm and he wants to try and break the view that music is somehow inherently only geared towards a 21+ crowd. He thinks that there are times that this is definitely the case but the music is just that, it is music. CBS Scene just announced that they are going to be doing live music starting at 4:00pm on Fridays and so that is the type of dynamic they are competing with and they are just looking for a little bit of flexibility.

Mr. DeVellis stated that in summary they are still going to come back in two months and that will represent one year of full working for discussion because that was a condition on the earlier approval but this is just an interim one day, two hours early on a Thursday in the meantime. Mr. Holley stated that they see an opportunity as a business perspective on a summer view and there may be a little more activity on a Thursday and they are looking to hopefully take advantage of that. Their intention would be to come back in a full year once they have demonstrated a full year track record and make a little more of a robust presentation in terms of their track record and performance with violations and working with the town and the Chief and trying to be a good corporate citizen but that will be once they have demonstrated a full year's performance.

Mr. Gray stated that the Board mentioned this last week that the hours between 6:00pm – 8:00pm is dinner time and that was the premise of Splitsville, is that it was going to be a bowling alley with good food and it was going to be attracting families and dinnertime is important. This is a shift now where they are trying to put the entertainment into that dinnertime slot. Isn't it a condition of the license that if they do have entertainment the under 21's have to leave. Mr. Holley stated no, the actual provision if he remembers correctly is that no one under 21 can be located in the Howl bar area (the area up near the stage). The bowling lanes and the general seating can be under 21 and that is the case on a game day. Mr. Gray asked if the dinnertime business such that you have to supplement it with entertainment. Mr. Holley stated that he thinks it creates a differentiator for people. Mind you it is not so much loud music as more background music so he doesn't think it is adversarial to dinner as you may think, he thinks it can be additive and CBS Scene is doing it at 4:00pm on Fridays. He thinks it can create a different experience that some people may find appealing earlier in the night and one thing about suburban locations is that people don't usually go home on a Thursday night and then come back out for the night. They come out and then they come home and so the opportunity for that after work business whether it be dinner or bowling or whatever else it usually tends to be earlier in the night and he does think it gives them an opportunity to differentiate themselves from McMorgan's or Waxy's or from Bar Louie for that matter and so that is what they are looking to do. They are not trying to change the fundamental dining experience; they are just trying to enhance it potentially.

Mr. Feldman stated that he just wanted to say that since the re-inception of the FoxCares Group for liquor license holders Mr. Glaberson and Mr. Holley have been representatives at every meeting, they are paying their dues and they are committed to responsible service so he thinks if they come to them with a proposal that they feel will help their business he thinks the Board should seriously consider it.

Mr. Mitchell stated at the last meeting he was pretty much fine with all of this it was just the confusion of the closing hours and he thinks it is definitely worth a try. For ten months they have been great and he has no problem trying this out.

Ms. Coppola stated that when they granted the liquor license to Splitsville, the license goes to Splitsville and Howl at the Moon was just like an entertainment component but it was Splitsville that was really the driving force and if you are going to start earlier that means the Howl at the Moon is a little more of the driving force and she characterized it last meeting as the tail wagging the dog. Splitsville was supposed to be family entertainment; a bowling venue that served food and had drinks and a family component and she thinks when you introduce Howl at the Moon at

6:00pm that kind of changes the dynamics of Splitsville and that is her concern. Howl at the Moon is more like a night club atmosphere and when they were discussing the license transfer it was stressed that Splitsville was the family bowling, not the Howl at the Moon nightclub aspect. That is why she would not be in favor of changing the hours to start at 6:00pm. She thinks entertainment of that sort, Howl at the Moon type entertainment is an 8:00pm type of entertainment, not 6:00pm. Mr. Holley stated he would respectfully say that they are not two different things and he thinks you can have entertainment and family friendly and again he points to the charity event that they did with the Jaycees on your own Foxborough Town Common which was Howl at the Moon entertainers at Foxborough Town Common performing and he knows Mr. Feldman was there, Mr. DeVellis was there and he thinks Chief O'Leary was there and there are plenty of kids that had a great time (7-9 year olds) listening to music. Howl at the Moon is just music and he understands the concerns because when it is applied at a late night atmosphere, it has a different appeal and different perspective but this is just music they are looking to do; to play music earlier. He appreciates her perspective on it but he doesn't think you have to have one and not the other; he thinks you can have live entertainment and still have a family atmosphere in a venue in his personal view. Ms. Coppola stated that in two months down the road when they have a year's experience and CBS Scene has started at 4:00pm are you going to come back to the Board and say "thanks for the 6:00pm but you know what now we really need to do 4:00pm because we are competing with CBS Scene". At what point does Splitsville lose its identity and it becomes Howl at the Moon which was something that the Board didn't want, the nightclub aspect of Howl at the Moon. Some members of the Board were very adamant about that. Splitsville was presented as family bowling; that is what was pushed. The Board had a petition for bowling and that was what was stressed it was not stressed Howl at the Moon nightclub type atmosphere to start at 6:00pm; 8:00pm okay. Mr. Holley stated that they would not have a nightclub atmosphere at 6:00pm. What they are really talking about is just music; nothing more and nothing less. You can't differentiate between Howl at the Moon and Splitsville; they have a bowling business that has live entertainment in it and that is all that is up there right now. When Ms. Coppola said are they going to come back and ask for a 4:00pm he thinks when they come back when their twelve months are up and he doesn't want to prejudge what the request will be but they are the only venue in the town that has this kind of restrictive license and he understands why it was put in place and he truly appreciates the concerns when they went into this deal but he would like to think that after twelve months of performance and after twelve months of their history with the public safety department in this town, and interacting with the community that people can now look at their experience with them and say this is a good operation and this is a good business and let's just issue it a license like we would issue any other venue a license; any other CBS Scene, Bar Louie's, Waxy's and whatever else is in the town that has an entertainment license. Again, he doesn't want to prejudge that today he is just simply looking today to try to play music two hours earlier on a Thursday is all they are trying to do. Ms. Coppola stated that he had said that he thought the license was restricted more than any other venue and they came in and she just got it as a two for one; they had a Splitsville component and they had a Howl at the Moon component and that was a two for one and no other venue in town is like that so if the Board put restrictions on it, there was a reason they put restrictions on it and one of the restrictions was start the Howl at the Moon entertainment at 8:00pm. Mr. Holley stated that he appreciates the concerns and he understands why the restrictions are put in place and hopefully two months from now they will all have twelve months of experience as an operation and a business and everyone can make their own judgments if the

restrictions should stay or not. Today he is simply asking to start the music a couple of hours earlier on Thursday.

Mr. DeVellis stated over the last week or two he actually contacted Mr. Glaberson to go out there and they met late morning just to kind of look at the businesses and he actually went back on a Thursday night and he thinks he missed him but it was the night of the school fundraiser so he got there about 8:30pm. He was part of those public hearings when they first came in. Howl at the Moon is a nightclub and he went into Boston and his apprehension was do we want that here just as a nightclub. What he saw Thursday and he got there at 8:30pm until about 10:30pm and there were families bowling and it worked pretty well. He didn't see a lot of rowdiness and he went back again Friday night and it was the night of the dodge ball tournament and the same thing; it wasn't packed and there was entertainment so the apprehension he had from a year ago, going into Boston was kind of quelled over these 8-10 months and especially last week when he saw it so he thinks the synergy between the bowling and the nightclub atmosphere works. Is it going to work better or worse if it is two hours earlier? He understands why they are doing it because they want to capture that get out of work and go right there rather than go later but he is not as concerned as he was a year ago on that early start and if it is for one day to try it he thinks both sides have learned a lot from what it is and what it isn't so he is comfortable. When he asked Mr. Glaberson for some of the information he was not going to come back and he was a little nervous about what the presentation was going to be; if he needed attorneys or presentation boards and architects and he asked him just to come in and have a dialog with the Board on why he is doing it and what the benefits for the business is and that is what he expected and he thinks sometimes this is what is missing, the dialog when they bring attorneys to talk about other things. They did that a year ago and they will probably revisit it, in two months but he is comfortable with the two hours on a Thursday in context to the apprehension from a year ago.

Mr. DeVellis asked for anyone from the audiences input.

Janet Kennedy, Cocasset Street – Ms. Kennedy stated that she went to the concert at the common and there were a lot of families there and the music was family friendly; there was a lot of Disney and the performers were wonderful and she has been to Howl at the Moon a couple of times and it is not a nightclub. Nightclubs are Rumors in Boston and those other places. She dragged her husband and he didn't have a problem either, he thought it was great because there are bars where people who are having dinner with their kids and bowling. Howl at the Moon is separate. If you go to a restaurant or anywhere else, they have music and it is family friendly music. She thinks it would be a good idea to give them a chance.

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

**Vote 5-0-0**

Motion by Christopher Mitchell that the Board approves the Change of Hours for Splitsville on Thursday nights from 8:00pm to 6:00pm. Seconded by John Gray. **Vote 3-2-0 with John Gray and Virginia Coppola opposing.**

**8:07pm – NPS, LLC – License Conditions – William G. Keegan, Jr.**

Mr. Keegan stated that they had this on the agenda primarily because they are working on some things that they hadn't been able to bring closure to but he will say that they had a meeting this week in his office which he thought was productive from both ends to gather as much information as they could but they are still waiting for some of that information to arrive and there will be a follow up meeting next week. He thinks both parties understand the needs of what needs to take place prior to July 1, 2015 so that the protection of the town is in place for all the events that occur up at the stadium. He thinks it was a good discussion because they really highlighted some of the concerns that they had and they wanted to make sure that it was strictly a fact finding discussion to try and understand all the information that they needed to have and then they asked NPS to come back with that information which they agreed to do. They are doing a follow up meeting next week and hopefully all of their issues will be addressed at that time and if not they will certainly have to address it differently but he is hopeful that will be the case.

Ms. Coppola stated that to the best of her recollection everything that they have licensed after July 1, 2015 has had that proviso. Mr. Keegan stated the condition that they said the insurance has to be in place.

Mr. Mitchell asked if he thinks this Wednesday it will all be wrapped up. Mr. Keegan stated that he is certainly hopeful of that; he can never predict that until the meeting actually takes place and he certainly doesn't want to prejudge anything but he thinks that both parties are clearly willing to try and figure this out at least that was the feeling that he left that meeting with was that both parties want to figure this out. Ms. Coppola stated that if this doesn't get resolved by the 23<sup>rd</sup>, does this mean that the Board has to reopen the hearings on all of the licensed events that are licensed after July 1<sup>st</sup>. Mr. Keegan stated that it will certainly bring into question whether or not those events are properly licensed at that time and he thinks they will have to take a look at that. The reason why is of course that they don't want to place the time in jeopardy in any way shape or form and that is their primary concern is that they want to make sure that if anything happens at the stadium at the time is protected and that everyone here does the best job they can on both sides of the aisle of this issue but they have to make sure that the town is fully protected and that is our job to do in this case.

Mr. DeVellis stated that he participated in the meeting earlier this week and he will be participating next week and both sides are working openly and trying to get to the same thing. They are positive meetings so he is hopeful.

Ms. Coppola stated that this was the issue that was brought up last year or the year before and July 3<sup>rd</sup> she was here at a meeting because of the insurance issue so is this a continuation. They thought they had it straightened out and is this a continuation with the problem of insurance. Mr. Keegan stated that they discussed that very issue at their meeting and they had no intention of going into July with this issue open and that is the reason why the Board will note that they set the date of June 23<sup>rd</sup> to make sure that everything is resolved by then so they don't go beyond that date. Ms. Coppola stated that she thinks it is the consensus of the Board that this would not happen again and they would not go through this again. Mr. DeVellis stated that at the meeting

and he is not giving up his vacation time to come back. Mr. Keegan stated that Mr. DeVellis was clear about that and stated his position very clearly. Mr. Keegan thinks their position was very clear that we don't want to go into July with this issue open and they were very clear that this is an important thing that they need to have resolved and he thinks they can get it resolved and he thinks there is a willingness from both parties to get it resolved and there was a willingness as early as this morning to have a follow up meeting next week to move towards that closure so he is appreciative of that and with all due respect they will go in that direction and get it done. If it doesn't then they have a much bigger issue to talk about.

### **8:13pm - Pavement Management System – Maintenance Program Presentation – Roger Hill, DPW Director**

Mr. Keegan stated that while Mr. Gallagher was setting up his PowerPoint presentation he would speak about an incident that happened over the weekend. He provided the Board with a press release on an item that happened over the weekend and when they learned about it the Water Department acted quickly and responsively to try and address it as soon as possible but it was really important that they got the information out to the public as soon as possible and indicate that this was not a Water Department cause that created this; this was something of a private contractor impacted a major water supply pipe into the system, broke the pipe and then caused a significant loss of water that then turned into a brown water condition. That impacted several residents and businesses in the community so the department responded quickly; they addressed it and the brown water condition actually subsided by Sunday for most areas and it may still be remaining in some locations but he thinks it is minimal at this point and as a result of that the department is working with the contractor who caused the issue and certainly actions will be taken to address that going forward. This was a case where this had been identified as a concern prior to construction and the engineer had committed to the town that they will be very careful in doing it and unfortunately the contractor apparently didn't follow that same guideline so as a result they ended up in a situation where they responded. What sort of made the situation even more egregious was the fact that the contractor never contacted the department prior to doing the construction in that particular area. If they had done that they probably could have shut it off before it happened. Mr. Hill stated they would have closed two valves and if they broke the pipe it wouldn't have mattered. Unfortunately it caused an issue that could have been avoided on many different levels. He thinks it is important for the community to know that this was not caused by our water system or our Water Department; this was done by the work of a construction practice. Our department he thought did a nice job responding as best they could under the circumstances.

Mr. DeVellis asked if they were going to have a press release that goes into the local paper. Mr. Keegan stated that they have given it to Frank Mortimer and they are also going to post it on their website as well as putting it on our Facebook page as well.

Mr. Mitchell asked if the contractor would be reliable for any of the costs. Mr. Hill stated that they have to repair everything.

Mr. Hill stated that they have been operating a pavement management system now for three years and what a pavement management system does it includes the practice of planning for pavement maintenance and rehabilitation with the goal that they minimize the costs and maximize the value of the network so they tend to use a lot of different methods of repair depending on the severity of the damages. The second slide depicted what would happen if they don't do routine maintenance, you end up with a pavement in poor condition and you spend a lot of money bringing it back whereas if you spend a little bit every year and keep the pavement in good condition you don't end up having to spend big wads of money at some future date. There are really three steps to the program: Maintenance, Preservation and Rehabilitation and they involve the use of different techniques. The maintenance techniques are very reasonably priced and they are effective but they are limited in life. The preservation is a little bit more costly and they extend the life quite a bit. Finally, the rehabilitation is what they have to do if they haven't done their homework with the maintenance and preservation. Mr. Hill showed the Board a slide with the five steps and when they started the program they did a road inventory and a base GIS map and that was followed by a field inspection program of all the roads in Foxborough and then from that they did an existing conditions summary and they developed a capital improvement plan and now they are in the process of doing system maintenance. Foxborough has approximately 91 miles of accepted streets; there are some that are unaccepted, there are some streets that are not completed. The town totals 101 miles and the state adds another 30 and then they have 5.7 private for a total of 137 miles. When they do the inspections, what they do is they actually go out in the field and they ride every foot of pavement and they have a scanner and they take photographs and they segment the roadways between intersections so each segment gets a value of a road service rating to say what kind of condition the pavement is in; what it's expected useful life is going to be and other factors about it. You combine the road service ratings for the segments to come up with an overall road service rating for that particular road. They have done all the roads. He showed them a typical sample of repair methods and they can see how the cost escalates rapidly as you go down the scale. Deferred maintenance is like a brand new road. Routine maintenance is \$0.40 a square yard for crack sealing or patching. Then you get into the surface treatments, the mill and overlays, the reclamation and then finally the full depth reconstruction and that is where you spend a lot of money.

When they started the program in 2012 they had a road service rating for the whole town of 75 which wasn't too bad considering that for many years Chapter 90 had been spotty and they didn't have a lot of local aid for roads but prior to 2012 the town meeting voted to dedicate a portion of the meals tax for roads and in addition to that they began to see an update in Chapter 90 funding from the state. Now they compare that to today and our road service rating has really improved dramatically to 82.6. 80 is like the base line to say that someone is doing something right so he is pretty happy to get there in two years because he didn't expect to get there in two years when they started the program but thanks to this Board and town meeting they were able to use quite a bit of meals tax money at an appropriate time to get this thing off the ground well and they are moving in the right direction right now.

He showed the Board typical representative conditions of roads that have different road service ratings and obviously if you look at Leonard Street, that has a very low road service rating which means it is in trouble. If you go up there today they will see that they have already ground the surface off and they are getting ready to resurface it in about 3-4 weeks. Rockhill Street is in a

little bit better condition, that has a rating of 62 and then you go to Main Street; they rate Main Street higher than he does and they are going to do Main Street this year because it needs it and finally Pleasant Street which is in pretty decent shape.

Mr. Hill showed the Board a slide of different methods that they have used in their repairs over the last two years. They did a lot of crack sealing that keeps the water out of the base and it preserves the pavement for quite a while and it's very reasonable to do. They cape sealed a lot of subdivision roads; Dudley Hill is a good example or Witch Pond Estates, Faxon Road and that area down there and that has been very good. The cape seal has been an outstanding program. They have done a lot of planning and overlaying and you saw it on Cocasset, Summer Street last year and any number of roads that they did. They did some pavement overlays and they have done a little bit of leveling. Then they get to Type I overlay as opposed to super pave and they really love the super pave, it does a great job but their contractor right now only supplies them with super pave because that is all they make and they get it for the same price as Type I but that doesn't mean he is going to get the contract next year so they will see how it goes.

Their backlog has been reduced quite a bit. When they started they thought there was a backlog of about \$11.3M and right now they are at about \$7.5M and a lot of that is not heavy duty spending, it is more in the middle spending and that's because they are attacking the four worst roads in town this year and that is Leonard, Sherman, West Leonard and Carpenter. Leonard Street is high on the list, Central Street is high on the list and they did an overlay on a portion of Mechanic Street over the weekend and it is pretty nice up there right now. That is going to last about 5-6 years because they still have a lot of work to do on Mechanic Street underneath. When he does Chestnut Street this summer he is going to come right up through and rebuild the intersection at Mechanic Street which needs it bad.

He showed the Board a slide on how the system forecasts needs and how they prioritize their strategies. You can't put all of your money into the lowest rated projects; you have to do some routine maintenance on projects that have a high road service rating to maintain them at that level so they have a broad base of what they do every year. They haven't seen any crack sealing this year but they are going to see a bunch of it before the year is out. They are also going to use a new product that they have not used in Foxborough but it has been used extensively in Mansfield and that is called a rubber chip seal and it works very well. It actually smooths out after a year to almost like asphalt and Mansfield has used a ton of it. It glues the road together and it does a great job.

Mr. Hill showed the Board a slide on what happens under different funding scenarios. The yellow line in the middle, if you fund at \$1.1M you are going to get no increase and no decrease in road service rating. If you fund at a little higher level, the \$1.35M it might take you quite a while to get up 2-3 points. If you fund at \$1.6M you will get up much faster. Their experience has been a little different than that.

Mr. Hill showed them a slide of benefits of the top 10 roadways that they have done and their experience has been that they actually get a little bit more bang for their buck than what the model says the system maintenance they just update it and take care of events that happen like winter last year for an example, that had a lot of maintenance. They have already attacked the

two worst roads they had which is Mechanic Street and Lakeview Road and Lakeview was in tough shape so they think they are going to pave Lakeview on Thursday.

He showed the Board a slide on what they are continuing to do and their Chapter 90 was graciously adjusted by 50% higher this year by the Governor on the very first day he was in office and then they came out in the spring with another winter recovery program and they gave them another \$92,000 and they have \$240,000 from the meals tax revenue so they have a robust program this year.

Mr. Hill showed the Board a slide with their tentative plans for 2015. They have already started Leonard, Sherman, West Leonard and Carpenter. Oak Street got paved Friday and they are going to do the shoulders with rubber chip seal, which was an agreement with the neighbors. The neighbors are happy, he has been getting very great E-Mails from the neighbors up there and they are so happy with what they did. They are not sure about Central Street this year, they would like to do it but it is tentative depending on how their funding goes. They have overlaid Mechanic Street and they have yet to do Eastman, Palmer, Phillip, Wayne and Sherwood and then the rubber chip seal roads are definitely going to get done in August. The cape seal he is looking at the bees and if you know where the bees are that is also called Greenview Estates and those are 36' wide pavements down there and they can eat a lot of money. The cape seal is reasonable; it is about half the price of asphalt overlay. Mr. Keegan asked what the difference was between the two. Mr. Hill stated they have seen the cape seal if they have been in Dudley Hill or Faxon Road or Witch Pond Estates, those are cape sealed roads and it looked pretty good. The only downside to them is that they freeze quicker than regular asphalt in the winter so they have to get the salt to them a little earlier.

They are also looking at some new techniques in the future. He is not 100% sure about some of them yet but he is going to give the Board a little background on some of them. This program is working well. They do find that by revisiting the roads annually, they have actually been able to stretch the budget because what they thought they were going to need from the road service rating they made decisions to go with a little bit cheaper product on certain roads because it worked. GIS has helped tremendously, it has refined their ability to estimate the budget costs because it really pinpoints the quantity that they are going to need on a road because they just did Mechanic and Oak Street. Mr. Gallagher stated that the benefit of the GIS is they have an aerial photo and they get estimates based on the aerial photo; they can do widths and they can do lengths. They are actually measuring and estimating their projects close to 2% of what they actually are spending when the asphalt actually goes down. They had Oak Street budgeted for \$180,000 and what they spent was \$176,000. On Mechanic Street they had budgeted \$86,000 and they spent \$84,500 so they are actually budgeting just a touch over. They also include line striping and the police details; it all goes in a spreadsheet and allows them to calculate all of those costs associated with each of those roads and it varies from one spot to the next. They can put in their calculations when they do their search bid which allows them better value for the quantities through a 20 town bid and they adjust those values from one year to the next each time it is bid and it runs very smoothly and it has definitely helped them out to budget these projects and know this time of year where they are going to end up come September or October.

Mr. Hill stated that the new methods coming out in the near future, one is called Warm Asphalt and it is really sweeping the country right now and it is cheaper to make than hot mix and it is supposed to be as good. It is not now used in Massachusetts because they won't allow Chapter 90 to fund it yet but the state will get there. He predicts within 4-5 years they will be doing a lot of warm asphalt on many of the roads. Another new product that they can use and they plan to use some of it is called Nova Chip. If you drive Route 106 through Easton through the five corners out to the West Bridgewater line, they have just redone a big portion of that with Nova Chip. It is a very thin overlay and it has been used up in New Hampshire and Vermont for years on the interstates and it stood up real well and they will give it a try on a couple of roads this year just to see how well it works and if it works well. It is competitive in price to pave seal and may be a better product and the jury is out on it as far as they are concerned. Mr. Keegan stated that they have used it before in his previous job. Mr. Hill invited the Board to ask any questions they wanted and they would try to answer them.

Mr. Mitchell stated that he likes how they are willing to not just stick with the same old stuff and try new things. When you do, do a road like Leonard Street when do you go back and relook at that; is it every year. Mr. Hill stated every year. This year was tough because the snow hung around so long but he goes out when the weather is good on a weekend and he will ride every road in town and he carries a big clipboard with him and a big map and he makes sure he marks it to what he thinks the road surface rating should be and what it looks like.

Mr. Mitchell stated a couple of observations because they did Spruce Street last year which he lives on and he noticed at the end of every driveway they really didn't go into the driveway like in the old days they always used to cut in 5-6' and his driveway in particular is on a hill so where the new overlay is, the street is higher than the bottom of his driveway. It floods in the winter time severely and if he was to plow, if he was pushing down he would be pushing all of that new pavement and he would rip it right up. Mr. Hill stated that usually they do go in. Spruce Street was tight and was the last of the Type I, they did use super pave on Spruce Street. He cut the joints at the intersections but he didn't do the driveways because they were doing it more as an overlay. Mr. Mitchell stated he would be very careful with a great program like this doing so many roads and then having a lip at everyone's driveway; if people are plowing, all of that new asphalt is just going to get pushed up. Mr. Hill stated that only happens on an overlay. A good example is what they just did on Oak Street. They ground out 25' of pavement down 1 1/2" and then they filled that in and left all the driveways and aprons the way they were but they are going to rubber chip seal those. The rubber chip seal doesn't add more than 1/10" to the road surface.

Mr. Mitchell stated that they had mentioned earlier of redoing the intersection of Chestnut and Mechanic Streets by the cemetery are they doing curbs, sidewalks and everything. Mr. Hill stated that he is going to blow out the roadways and do a plateaued intersection but the sidewalk coming up Chestnut Street from Cocasset is going to be dug out and replaced and he has to wait until after school is out because that is a walking sidewalk to school and they are going to put a new granite slope faced edging like they put on North Street and a new sidewalk on that side that will be 5' wide and he won't be breaking up his sidewalk plows on the stonewalls and everything that are too close. Mr. Mitchell asked if they were going to do the sidewalk on the opposite side by the church. Mr. Hill stated not until they do the final work on Mechanic Street which will be in a couple of years after they dig it up again from water work. Mr. Mitchell stated he is sure

they will do this when they get to it, but can they just be really careful of the oak trees that line there. That was a community service project that they planted with a bunch of Cub Scouts and they planted them when they were 12' high and they are now 40'-50' high and beautiful so a lot of work went into that. Mr. Hill stated that they try and stay away from the trees.

Mr. Gray stated with the combination of the Chapter 90 money and the meals tax money from the town which maintenance curve are they going to find themselves; is it going to be treading water or are they standing ground. Mr. Hill stated that if they keep funding them at the level they are funding them now, the total Chapter 90 right now is about \$940,000. They funded the \$300M that was sequestered by the prior governor and they haven't yet got into a program where they bond over a five year period and guarantee them the money for five years but they are talking about it; there is a lot of pressure on to do that. Mr. Gray stated that right now it is year to year. Mr. Hill stated that it is a year to year thing. When they were down in the depths of the depression the Chapter 90 dropped off and there is no guarantee unless that legislature decides they are going to bond a large amount of capital and fund the towns. If they fund it \$300M they will be able to stay way above the power curve and they will get to a point where they will start having trouble using all the money which is nice because then they can go on to sidewalks, curbs and drainage and the things that also require money that they don't have. Mr. Gray stated that the news is actually pretty good. Mr. Hill stated that he is optimistic about Chapter 90 and knows they are trying to pay off the OPEB and he is not pressing for meals money, but they are growing meals money every year so he sees that as a relatively steady amount and it may not remain that way but they will see how it goes but he thinks that with the money that will come into the program they will be able to really get far ahead. The biggest problem that they have is the window of opportunity to do these projects with the number of people that they have available so what he would do in that situation is they could start using some of their Chapter 90 money to do things that they are doing in-house like adjusting the structures in the roadways and things like that. He doesn't like to do that because they have been saving a lot of money by doing that in-house but it is a lot of work and it takes quite a bit of time to get it all done.

Mr. Feldman stated speaking of resetting structures does he think they are being short-sighted when they mill an overlay and they aren't addressing the sinking catch basins and sinking granite splash boxes at those sewer inlets because he knows on Oak Street there are several that are either sinking or the granite backsplashes have sunk where you only have 1 1/2" throat or 2" throat and then there are a lot of pine trees that are building up over there and you get widespread flooding, you get water underneath the pavement, you get the freeze/thaw cycles and all that hard work that they just did is going to blow it apart. Mr. Hill stated that the good news about Oak Street is they are not done and they have those 6' shoulders which are where the basins and headers are and they are going to go in and do the basins and the headers probably the end of June before they do the chip seal. He has been ahead of the power curve on some headers around town like the year before last they did all of the catch basins and headers in the area up around Young Road and Edwards and Shoreline and they were sinking and going bad and they have gone back and they fixed all those and they crack sealed the heck out of that whole development. Mr. Feldman stated they have to keep the water from getting underneath the asphalt and prevent those freeze/thaw cycles because that is the biggest detriment to pavement.

Ms. Coppola stated that she was on the Board when Mr. Hill made the presentation and it was one of her first meetings and he was very excited about it and he said it wouldn't be tomorrow; it will take a while because he had to compile all of the information but the roads will start to improve and they have. She is very impressed and she got on Mechanic Street late Sunday afternoon and it was a nice ride. She is very impressed with the work they have done on the roads. Everything he said has come true.

Mr. DeVellis stated the merge of the DPW and Water into one consolidated department was so the left and right hand are kind of together now is evident here so he appreciates that. He did send Mr. Hill an E-Mail last week on an issue that a resident on Oak Street had and if he could just respond to that it would be good. Mr. Hill stated that he talked to her and sent her an E-Mail also. She has a legitimate complaint and it was a two part complaint. One part is her responsibility but one part is ours.

Mr. Keegan stated that he wanted to thank Mr. Hill and Mr. Gallagher for being there tonight. It is a great program and his experience in Dedham didn't go nearly as fast as theirs in terms of results so congratulations on getting it there. Keep it up because the roads are the one thing that everyone gets to use; it is the one service that they provide. If you do a good job with your roads you leave a good impression on the rest of the community.

#### **8:43pm – Introduction of New Police Officer – Officer Ken Fitzgerald, Chief O'Leary**

Chief O'Leary stated that Officer Fitzgerald was a former officer from Natick and they are lucky to have him join them here in Foxborough. Right now he is with Officer Pat Hoffman doing some field training just to bring him up to speed on the way that Foxborough handles different things and learning the streets and the schools and he would certainly like the Board to welcome him as a key part of Foxborough's future in policing.

Mr. DeVellis stated on behalf of the Board of Selectmen thank you and welcome to Foxborough. He has heard a lot of good things about him and he has seen him around town a little bit.

Mr. Gray stated that he is glad he selected Foxborough and he knows that Natick is a busy place so welcome and best of luck. Mr. Mitchell, Mr. Feldman and Ms. Coppola all welcomed Officer Fitzgerald.

Mr. Keegan stated that the unique aspect of drawing an officer from another community is that he is already trained but particularly in this case Officer Fitzgerald actually has accident reconstruction experience which is something that we didn't really have as an expertise in our organization so he adds that additional dimension to their organization now which we didn't have and they are appreciative of him choosing our community for that purpose. They look forward to having him here and first and foremost just be safe when you are out there.

Ms. Bernard stated that it was a pleasure meeting him from the get go and she really enjoyed working with the Chief on this lateral transfer process; it was a great process and a great coo to get our new officer.

Mr. DeVellis stated that Officer Fitzgerald's resume was in the packet and it was very lengthy and in-depth and he appreciates the experience he brings to Foxborough.

### **8:46pm – Constable Policy, Chief O'Leary**

Mr. DeVellis stated that this was on their docket earlier at a past meeting and this is more of a formal presentation with the policy in front of them in which Chief O'Leary stated correct. Chief O'Leary stated that they were looking for different things to try and change in our current bylaws and currently the only reference to Constables in the town bylaws indicates that there shall be two Constables and the method that they be appointed by the Selectmen and it was very vague and not very clear as to what a Constable has responsibility for and later on in the process he teamed up with the Assistant Town Manager when she came on board and they worked together trying to find a way that they could either construct a potential bylaw to address those issues to make it more practical and also easier for the Board to follow in terms of the appointment of Constables and then due to some other factors as they looked further at different communities, the process they were using for appointing Constables and the methods that they were using to manage it they decided it would be appropriate rather than going through an amendment to town warrant to have a Selectmen's policy so that the Board itself would have some guidelines in the future when they appoint Constables. Ms. Coppola asked Chief O'Leary to explain the function of a Constable; who hires them and what is the function. Chief O'Leary stated that the primary function now is primarily in the service of civil process from the courts. If there is a pending litigation a Constable will come to your home or to your place of business and serve you notice as to when you would appear in court as a defendant or that you would go to a Constable if you were an attorney in town or someone that is a Plaintiff to serve papers to someone else so it is primarily civil in nature. The role of police officer actually came from the original Constables that most communities had. In fact Foxborough didn't have their first paid police officer until 1867 and that was due to the immigrants down on Wall Street where they lived and the drinking; it is alleged that it had something to do with the Irish immigrants and he doesn't know to the truthfulness on that. Ms. Coppola stated that a Constable can be hired by an attorney in town. Chief O'Leary stated correct; he would be hired by an attorney and paid for by the attorney and then he would go out and serve those particular papers. Although they have very limited areas that they could actually make a criminal arrest and he thinks within the policy itself the preferred method if there was a violation is to ask for the police department to support them if they thought they were going to have a difficult service of civil process. Ms. Coppola asked if the Chief had also said that a judge from a court would hire a Constable to do some work. Chief O'Leary stated not necessarily. It is focusing on the civil litigation aspects and the proper service of papers. Chief O'Leary stated that Ms. Coppola had brought up who pays and one of the things that he found out was because they had a very open ended process is none of the current Constables are paying the required fee as mandated by law so one of the things that this clearly points out is there obligation to the community at a percentage of the revenue that they earned from the service of papers is to be turned into the Town Treasurer and that they are to report different situations to the Town Clerk because in their investigation in talking with both the Treasurer and Town Clerk, when he asked them about it they were amazed because neither one has seen any money or any records of the services that are made in the community so he thinks that this policy gives the Board a methodology for new appointments or renewal of

current appointments as well as making sure that they are following the law as they are supposed to and also some regulations because right now there is no way for the Board to take action if a Constable was overbearing, threatening or rude but there would be no method of reining the person in other than perhaps not reappointing them as their term ends. They are having several people whose term is ending in this particular fiscal year so that is why it would be helpful if at some point the Board does decide on this policy so that with those people whose appointments have expired, the Board could go on to now have some guidelines for reappointments.

Mr. Gray asked who trains the Constables. Chief O'Leary stated they have to provide very basic training on how to serve papers. There is actually a Constable association here in Massachusetts that does have training seminars from time to time but it seems to be very rare other than through almost like an apprenticeship to someone that is currently doing it that they would get specific information or perhaps even working with an attorney that would spell out what his requirements are. Ms. Coppola asked if they have to be residents of the town. Chief O'Leary stated that the new bylaw does not require that; it is preferred to have residents of the town but it is not a requirement if they don't have enough Constables then they appoint people from outside the community. Ms. Coppola asked if town residents would take preference. Chief O'Leary stated that town residents could apply as anyone else could. Ms. Coppola stated say you have ten Constables and say we have five Constables that are actually town residents and then they appoint another five from varying communities would the residents of Foxborough get preference in regard to being hired to do the job. Chief O'Leary stated that he has no idea because that is a private transaction between the individual and the attorney or the person requesting the service of the document. Mr. DeVellis stated in the document they have residency or proximity to Foxborough but demonstrated experience in serving; demonstrated experience in interacting with state law enforcement and knowledge and history of compliance so there is a bunch of different criteria residents being one. Mr. DeVellis asked Chief O'Leary that if someone wants an appointment they would go to him and he would make that recommendation to the Town Manager whether or not they can come forward. Chief O'Leary stated that they are actually coming before the Board to get that particular appointment but they would fill out an application now that is in much more detailed than prior applications and the way the policy is set up, it would be that individual who would be vetted by his office and he would make a recommendation to the Board through the Town Manager as to whether a person meets the background that they would find him to be suitable. Ms. Coppola asked if there was enough work in town for ten Constables. Chief O'Leary stated that we live in a very litigious society and he thinks there are numerous suits that they don't hear about that Constables are used to serve papers on individuals.

Mr. Mitchell asked if we currently have ten active Constables. Chief O'Leary stated that we have at least eight or nine on our current list. Mr. Mitchell stated that it also states that Chief O'Leary is a Constable in which Chief O'Leary stated correct. Mr. Mitchell asked if he ever serves papers to anyone. Chief O'Leary stated he doesn't and what he is the Constable for and as his predecessors were for was posting town warrants and doing any town work that would call upon the Constable going back to Chief Dean back in the 1930's. Ms. Coppola asked if he was included in the ten or is he number eleven. Chief O'Leary stated that he is included in the ten.

Mr. Gray stated that the text he is sure is partially lifted from other policies in other towns in which Chief O'Leary stated yes; he left off the end notes to which communities shared. Mr. Gray asked if this has been proven in other towns. Obviously he has talked to the other towns and they stated they were satisfied with this policy. He actually agrees with Chief O'Leary that this is better off being in our policy binder than a bylaw. Chief O'Leary stated that is correct. He thinks they had 4-5 different communities that had different forms and methods and rules and he and the Assistant Town Manager went through them and sort of picked the ones that they thought were going to be most appropriate for our community.

Mr. Feldman asked if it was safe to assume that none of our Constables are bonded right now. Chief O'Leary stated that he knows that some are but he thinks this requirement on demonstrating that they are bonded would be important to the community.

Mr. Mitchell asked if all of the current Constables are aware that this policy is getting looked at and ready to go. Chief O'Leary stated that as far as he knows he had asked the administrative staff to send out a letter that this was going to be discussed.

Ms. Coppola asked if the current Constables would be grandfathered so if a Constable wasn't bonded would they be grandfathered until the next time that they are appointed that they have to be bonded. Mr. Gray stated that he would not recommend that. Ms. Bernard stated that they are also in the situation where none of them are in compliance with the law with regard to reporting right now. Mr. Gray stated that he thinks this is a good step to clean up the process and get everyone on the same foundation. Chief O'Leary stated that it seems like people have been appointed in the past on sort of a roaming basis that someone would come in and apply to be a Constable and if they met the criteria and it wasn't necessarily managed as such. Mr. Feldman asked if they should add into this policy a window of opportunity for lack of a better word if they do vote to incorporate this policy a window where the current Constables can get their act in alignment with the new policy. Mr. DeVellis stated that he was contacted by one Constable he thinks his term went to May and he was told to hold off that there was a new policy coming so his question is what is the process between May and until this gets done; how do they continue on.

Mr. Feldman stated he thinks we need to give them a parameter of a timeframe when they need to get in compliance with the new policy whether it's 60 days, 90 days, 120 days. Mr. Gray asked how difficult it would be to be in compliance with this; they just have to get bonded. Mr. Feldman stated that none of them have been reporting. Mr. Gray stated that they could start reporting tomorrow and they could get bonded pretty quickly. Chief O'Leary stated where none of them are allegedly aware although if you read the general laws it is pretty clear that they have a financial obligation to the community and he thinks if they make it clear where they are coming up on the start of a new fiscal period on July 1<sup>st</sup> that on July 1<sup>st</sup> there is an expectation (it is the Board of Selectmen's decision to enact the policy) but it seems to him that July 1<sup>st</sup> would be a good starting point if indeed they accept the policy as drafted and then every quarter they would have an obligation to provide information to the Treasurer as well as payments. Ms. Bernard stated a new application was created along the same lines and it came from other communities and would the Board recommend this as a base line because they are doing a CORI with these as well and have everyone fill out the application; the people who are up for renewal.

The Board stated that made sense and then they will have that on file earlier. Mr. Mitchell stated that is just for the people up for renewal, what about the existing people. Ms. Bernard stated it would for those that want to continue. Mr. Mitchell stated that he would start fresh with all of them but keep their terms the way they are just so the Board is not doing this every three years. Ms. Coppola asked if they are requiring that they be CORI checked in which Ms. Bernard stated yes. Ms. Coppola asked if this was a requirement before. Ms. Bernard stated that she and Chief O'Leary were not clear on whether that was a requirement before. Chief O'Leary stated that some definitely did because it was brought to his attention whoever would have been the secretary at the time in the Selectmen's office.

Mr. DeVellis stated for clarification on the number the policy statement states "not less than 10 people" the Constables in the town and then the number of Constables says "shall not be more than 10" so are they looking to have exactly 10. We have to have exactly 10 or it doesn't meet our policy. If you look at the statement on the front it says "not less than 10 Constables for a three year term" and then on (d) it says "shall be no more than 10 people" so by default we have to have exactly 10 or we can't function. Mr. DeVellis asked where 10 came from. Chief O'Leary stated that they had a certain number of people that were currently in the position and they probably looked at that number as a base line. Mr. DeVellis stated he is not sure they would say we can't have less than that because they are not creating Constables and so he would say "no more than 10". Ms. Bernard stated she can state "no more than 10" on the policy to keep it consistent. Mr. DeVellis stated that the free market will dictate between 1 and 10 but over 10 they would say that is too much. Ms. Bernard stated they could come back to the Board once this is enacted once they are getting reports like what the activity is and if the use of Constables is busier than they thought. Mr. DeVellis stated that one amendment, the M.G.L., is it 25% goes to the town in which Chief O'Leary stated correct.

Mr. Mitchell asked if they are serving someone is it a flat fee. Chief O'Leary stated that he has no idea. Chief O'Leary stated that he would imagine that they have a fee structure set up much like a small business for provision of the service and how far you have to travel and how difficult it is to locate the person.

Mr. DeVellis stated the person that asked him what do they do now that they are already a Constable is it just wait until this policy comes out or can he have them contact the Chief for direction. Chief O'Leary stated that they can certainly contact him and if it is the Board's decision they certainly could make sure that prior to July 1<sup>st</sup> that anyone that has a current appointment and is serving comes in and they will make sure they get a copy of the policy and they will collect data on them to do their backgrounds and start the process starting July 1<sup>st</sup>. As mentioned, they are not going to add a person's appointment but the application of the policy for July 1<sup>st</sup> should be followed.

Mr. DeVellis stated that it sounds like they are going to put this on their next agenda and any of these changes with the application and then the Board will vote on this in two weeks. Mr. Gray asked why they couldn't do it tonight. Mr. Mitchell stated that he thinks they should give the benefit of the doubt to the existing Constables if they want to come in and question anything. It wasn't on the agenda to actually vote for it. Mr. DeVellis asked if there was going to be an application attached to this as well. Ms. Bernard stated that they have an application that they

can attach. Mr. Gray stated that we are running out of June and if they want to get in touch with these people with this new policy if you do it at the tail end of June it is not going to give them enough time to react.

Motion by John Gray to adopt the policy on the appointment of Constables as drafted with one change on page one; first paragraph to say “not more than 10 Constables for a three year term” otherwise as written.

Mr. Keegan stated that there are some edits that the Chief did note on page 4, subsection g, it should be “41” instead of “51”. And then again on page 7 under subsection 3 “Chapter 41, subsection 95A”. Mr. DeVellis stated that is part of the record because that is what was handed out. Mr. Gray stated that he will incorporate those changes into the motion as well.

Seconded by Christopher Mitchell. **Vote 5-0-0**

### **9:06pm – Discussion/Vote on Trash Regulations**

Mr. DeVellis stated the Waste Hauling Regulations were in front of them at the last meeting and were discussed over the last six months and the deadline is coming up again July 1st and they have an existing hauler transitioning over to new regulations and it is a draft dated May 21, 2015.

Mr. Keegan stated since the last meeting he hasn't had many comments about this although he did have some comments about the contract issues in terms of he has had some questions as to whether or not they have to change their process to provide for smaller customers as opposed to larger customers and he actually is going to do that as part of his business model anyway; he is going to use both the Russell approach as well as the Dooley approach. It will be a bag system and tags so he is in the process of securing all of that material right now for that purpose because he recognizes there are a number of small households that don't generate a lot of trash and as a result he doesn't want to lose those business customers.

Mr. DeVellis stated that was a concern that was sent but also the reimbursement; some people had paid a year in advance and others have stickers also so how is that being handled. Mr. Keegan stated that he spoke to the current contractor, Russell who indicated to him that he is going to come back with some dates and it will probably be June or July and he will actually come into Town Hall and offer the opportunity for people to come in and they will actually reimburse those individuals for the bags that they bought. They are just trying to work out those details now as to when that is actually going to happen but he did speak to him directly and that is what he conveyed to him so they are trying to figure out three Tuesday nights or something like that during the month of June or July.

Mr. Gray stated that he has read this four times and it is impossible to predict every possibility but he thinks it is a solid enough platform to put into place. He wanted to know what a vegetable paring was (page 2, third paragraph). Mr. Mitchell stated that it is all the waste from peeling potatoes, etc. Mr. Keegan stated that it is compostable type of garbage.

Mr. Mitchell asked if this was the same exact draft that they got back a few weeks ago in which Mr. Keegan stated yes.

Motion by Christopher Mitchell that the Board accepts the Waste Hauling Regulations going into effect July 1, 2015. Seconded by David Feldman. **Vote 5-0-0**

Ms. Coppola asked when the final paperwork would be done in regard to Dooley taking over Russell. Mr. Keegan stated that has already been done and is in place. It is like a closing between the two companies and the only piece that he more or less approved was the fact that they are going to pick up their trash at the town locations so it is a very limited piece for us. Ms. Coppola stated that she paid Russell every six months and this means as of July 1<sup>st</sup> she is no longer with Russell and the contract between her and Russell is done as of July 1<sup>st</sup>. Mr. Keegan stated that AJ Dooley will come out with a new program as of July 1<sup>st</sup> for everyone effectively. Ms. Coppola stated that she got a call from one of the residents and it sounds like they had prepaid but that couldn't be possible because everyone's contract ends June 30<sup>th</sup>. Mr. Keegan stated correct. Mr. DeVellis stated that he thinks he spoke to that same resident because he said he just got off the phone with her earlier. She wanted to make sure that she did not give him the incorrect information. Mr. Keegan stated that the contract is a fiscal year contract through June 30<sup>th</sup> and actually this contract was the third year of our contract with Russell and it is up this year so it was up to the town to determine whether or not they wanted to continue beyond June 30<sup>th</sup>. He initially said yes in hopes that they would work that out and then finally what he did was actually reversed that action once the agreement had been reached. Ms. Coppola stated so this will be a smooth transition and you won't even know the difference. Mr. Keegan stated that it should be very smooth for the residents and it is obviously in the business owner's best interest to try and figure those things out.

### **9:13pm - Town Manager's Report**

Mr. Keegan wanted to say congratulations to all the graduates; that is a great accomplishment for everyone and he knows that there are a couple of Board members that have graduates this year and congratulations to them and he also had one of his own.

The one big issue that he wanted to convey to everyone is they had a visit from Beacon Wellness who is a company that represents a medical marijuana dispensing company and they have are interest in a site here in Foxborough. The initial meeting was between himself and the Chief and the Building Commissioner to try and just identify what their interests were. They have an interest in a site at 24 Washington Street that is within the properly zoned area that this town determined as an area that could be zoned for that purpose. The requirement would be that they would have to file for a special permit from the Planning Board but the regulations at the state level have actually changed within the past few months under the Baker administration where now the companies have to come to the town and ask for a favorable recommendation from the town before they actually go forward into their permitting process with the state. Mr. Gray stated they can't do it by right. Mr. Keegan stated they can't do it by right and they have to go to the town first and then make their pitch to the town. There are two decisions that can come out of the town; one is the fact that the decision is a favorable recommendation or it is a position of non-opposition. The position of non-opposition really identifies the fact that your area is

properly zoned but the town is not necessarily in favor of that particular use. They are at the juncture right now that this is brand new and he shared with the company that the community is very careful on how it reacts to new uses such as this and that this will have to be fully vetted before they reach a conclusion as to how the town wants to react to this. The next order of business would be to have them come in and give a presentation to this Board and then hear from them as to what they do, how their project works and how their company works. They are not licensed as of yet in the state; they are a brand new company but there are 17 locations that have been licensed throughout the Commonwealth. They have tried to be licensed earlier; they went through the earlier process but there was a problem with one of their board members who had a problem with a background check that kicked out their application so they have since remedied that and now they are back for reconsideration. This is a whole new round of applicants. There was a first round of 17 and now there is a whole new round of applications and the process is a new process under the new DPH guidelines. It is the first step and he understands why they are interested in that location, it is a Route 1 location and it is a pretty visible location and so he wanted to make the Board aware of that. It was strictly a meet and greet and tell us a little bit about your company, here is the process and here is why we are interested.

Mr. Mitchell asked what their timeline was. Mr. Keegan stated that the guidelines according to the new guidelines that they have to have a recommendation on this round by the end of this month and he told them that it didn't seem likely to him that this would happen but he will gladly do what the town wants to do in this case but he thinks the town moves a little slower than that in terms of evaluating these things.

Ms. Coppola asked what entity makes the recommendation, is it town meeting. Mr. Keegan stated no, it is his understanding after reading the regulations that it is the Chief Executive Authority which in this case would be the Board. Mr. Mitchell asked if it had to go through Zoning first and then come to them. Mr. Keegan stated that it is properly zoned. All this does is initiates the process so they can then file for a permit through the state. Once they have come to us they have fulfilled their obligation that they could be received in the town; they file for their application with the state, if they get a permit that says yes we have a permit then they can come back to the town and start their formal application to the Planning Board, etc. Mr. DeVellis stated that it is very similar to a 40B application where they come to the executive board to get to the state and then they go back to the Planning Board and any other Boards that are applicable in this case.

Mr. Keegan stated that the site they are interested in has been identified to have some hazardous materials on it so that is another consideration here that they are fully aware of. Mr. Gray asked where 24 Washington was. Mr. Keegan stated that it is across from McDonald's. Mr. DeVellis stated that it is the old gas station on North Street and Route 1.

Mr. Keegan stated that he is just making the Board aware of that and certainly he has not heard from them beyond yesterday but he does expect to hear from them as to when the Board would like to meet with them and get them on your agenda.

Ms. Coppola asked if there were any guidelines with regard to siting; these types of establishments can they be near residential, daycare or churches; are there restrictions. Mr.

Keegan stated that he is not 100% sure but he thinks there is a limitation in terms of being close to a school. Mr. DeVellis stated that it is similar to adult entertainment districts; no one wants them and he shouldn't say that because Foxborough voted that they did but if it is not zoned anywhere then you select an area where it could go so through that town warrant process they picked an area that was away from schools, on a highway and not downtown and it ended up on Route 1 so he thinks with that process the horse left the barn at town meeting and it is in their zoning now. Mr. Gray stated that he thinks they are required to set out a parcel to meet the state guidelines and every municipality had to set out a parcel. He doesn't think the town said they were in favor or not in favor they just said they understand that we have to set out a spot. Mr. DeVellis stated no, even before that when the vote went to the state; this was a state vote independent of the town and if you look at the tally of Foxborough residents they were in the majority to allow it legalized in Massachusetts regardless not knowing it was going to come to Foxborough. Mr. Keegan stated that what Mr. Gray is suggesting is it is similar to an adult entertainment district; if you don't put it there then it can go anywhere. Mr. DeVellis stated that he doesn't think they are mandated to put it there but if it is silent then they have to deal with that fact. Mr. DeVellis stated that they can control it a little better if it is allowed.

Mr. Keegan stated on Founder's Day they have to be at the step off location at 9:00am right across from the Mobil Station and he is told there is going to be a very good surprise in the parade this year so he encourages everyone to attend. Mr. DeVellis stated the theme is "Music in the Air".

### **9:22pm – Action Items**

Motion by Christopher Mitchell to accept the donation of \$120 from Lynn Mathews for adoption fees to Animal Control. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to accept the donation of \$25 and \$50 from Constance and Frank Brown and Beverly Whipple to be used for seniors at the Council on Aging & Human Services to the Council on Aging. Seconded by John Gray. **Vote 5-0-0**

Mr. DeVellis stated the next topic of the approval of the 16 commercial parking permits he stated to Mr. Keegan that they may need a little guidance on this as there are some in process with the Zoning Board. Ms. Coppola stated that she was surprised that this was an action item and not an agenda item because she knows that Mr. Casbarra knows about some of these.

Mr. Feldman stated that he has some questions on this also relative to the renewal notice where it says "Increased Parking Spaces Will No Longer Be Granted" yet on all the applications there are several that were looking for expanded parking. Mr. Keegan stated that it is the recommendation from the Building Commissioner that the Board doesn't expand them but people can still make the request. The letter in the bylaw basically says you can't expand them. Ms. Coppola stated that she had talked to Mr. Casbarra earlier about this and her concern was they had people who were not in compliance with their license and Mr. Casbarra's concern was nothing happened; there was no fine and they are kind of rewarding them by increasing their parking. She has no problem increasing their parking and finally doing it legally but she shares Bill's concern that they are getting away with being noncompliant and nothing has happened. Mr. DeVellis stated

back in December there were a number of lots that the State Police went and found that they were parking too much and when it came in front of the Board if he recalls the discussion was there wasn't going to be a fine because there might not have been a mechanism in the regulations. Ms. Coppola stated that Mr. Casbarra went back and there used to be a mechanism and how was it removed and who removed it. Mr. DeVellis stated that there was a gray area so they were going to send a letter to the license holders saying there was an issue and more to remind the Board that when this came up again it was going to be in their file that there was an issue and not to just go past it. The letter was not out and he understood that and he thinks they probably missed it back in December. Ms. Coppola stated that she thinks part of the discussion was they used to have a fine mechanism that was approved by town counsel then all of a sudden it is not in the regulations anymore so what happened from a to b. Mr. Keegan stated that this happened several years ago because they said it was taken out several years ago because they couldn't seem to locate it and it was going back to 2004 so he thinks they have to go back and fix that. Ms. Coppola stated that they had a meeting and it was Mike Saegh, Chief O'Leary, Steve Bagley and a number of other people and what they wanted to do was define by violation and then all of a sudden they had this notice from town counsel from a few years ago that actually defined the violations but it all of a sudden disappeared from the regulations. Mr. Keegan stated that the Board can put it as an agenda item at their next meeting. Mr. DeVellis asked if the Planning Board was looking for a recommendation from the Board on increased spaces. Ms. Coppola stated that the Planning Board had to approve the site plan and expansion and she believes there are three of them going before the Planning Board to get their approval of their expansion. Mr. DeVellis stated that he understands that but the Planning Board and the Zoning Board can say yes and the Board could still say no. If the Board looks at this tonight and says no more expansion then the issue goes away with the Planning Board and Zoning Board or do they let them on the 11<sup>th</sup> go through their process and then it comes back a month later and the Board says no or yes. Mr. Mitchell agreed with Ms. Coppola that it is up to the Planning Board to say yes they are allowed to put more spots and at least now they are doing it legally and the town can make money. Mr. Gray stated that their justification is throughout the last two years if you look at it, it says "Increased Parking Spaces Will No Longer Be Granted" and it is from the Board of Selectmen. That states the Board's position. Mr. Gray stated if anything they should either reaffirm this position or take another position but this is their present position as communicated a month ago. Ms. Coppola asked if that means you can't expand it without going through the process of going through the Planning Board or absolutely not, there are absolutely no more parking spaces to be made. Mr. Feldman stated that he thinks the issue is there is no bite in a violation so if someone has 200 spaces and they continually park 250 cars what good is the regulation if there is no enforcement. Mr. Feldman stated that he thinks they can say okay they will grant increases in spaces as long as the Planning Board and Zoning Board of Appeals is okay with it but on the flip side they need some teeth on the violations in the regulations because it is not fair to the people that are playing by the rules. Ms. Coppola stated that was brought up at the meeting. Mr. Keegan stated the way they left that meeting he thought that subcommittee was going to bring back a revised regulation and present it to him and he hasn't seen that so he didn't know. Ms. Coppola asked if the subcommittee met and Mr. Keegan stated he doesn't think they have met since December. Mr. DeVellis stated the bigger picture of what he is concerned about is if you have the north side asking for 200 more spaces then the south side is going to say what about me and where is that number. There is a zoning number that needs to be met because of the stadium and the businesses but if you increase one area the other areas may

be under-utilized so he thinks he would need an understanding before they increase any more spaces of the bigger picture and he thinks that is probably hand in hand with the regulations. Mr. Keegan stated that the first order of business would be to get the subcommittee to make a recommendation on the regulations that could be brought forth to the Board. Ms. Coppola stated that they need to return that fine mechanism back to the regulations. Mr. Mitchell asked who was on the subcommittee; was it the parking lot owners. Chief O'Leary, Ms. Coppola, Mr. Keegan, Ms. Bernard, Mr. Saegh, Deputy Chief Bagley and Mr. Casbarra. Mr. Feldman stated that they should put a moratorium on increased spaces until they get the regulations squared away. Mr. DeVellis stated that there are two things going on here they can change the regulations or beef up the fines but these are businesses and their permits are expiring on June 20, 2016 so either they do it tonight or they do it at the next meeting but they have to make a decision on the permit application. They can always say yes or no but these businesses need an answer before June 30<sup>th</sup>. Ms. Coppola stated they should put it on the next meeting. Mr. DeVellis stated that it should be an agenda item rather than an action item. Mr. DeVellis stated that the next question is do they want them separate or as one. Mr. Keegan stated some have separate conditions in there so they have to go through them one by one. Mr. Mitchell stated that they could take the ones that have conditions and separate them out in which Mr. Keegan stated yes. Mr. Mitchell stated maybe by that meeting the stadium lots and their insurance will be all set. Mr. Keegan stated by the next meeting they should have some indication as to where they are. Mr. Mitchell stated that someone should let the Zoning Board know in which Mr. Keegan stated they would let them know.

Motion by Christopher Mitchell to accept the donation with a value of \$17,946.43 from Friends of Foxboro Seniors for a new sound system to be used for the Senior Center Building to the Council on Aging. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to reappoint Charles McAlister to the Audit Committee for a term expiring July 1, 2018. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to reappoint Frank L. Souza to the Audit Committee for a term expiring July 1, 2018. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to reappoint Robert W. Boette to the Canoe River Aquifer Committee with a term expiring July 1, 2018. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to reappoint Steven Feinstein to the Norfolk County Advisory Board with a term expiring August 1, 2016. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to approve the McGinty Family Fun Day Public Event on Foxboro Common on September 12, 2015 running from 11:00am to 3:30pm. Seconded by David Feldman. **Vote 4-0-1 with Christopher Mitchell abstaining**

Motion by Christopher Mitchell to accept the donation of \$25 from Mr. & Mrs. James Oliver to be used for programs for Seniors at the Council on Aging. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to appoint Deborah Wendall as an Associate Member to the Historical Commission expiring on May 1, 2018. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to approve the appointment to the Foxborough Historical Commission of Thomas P. Sabin expiring on May 1, 2018. Seconded by John Gray. **Vote 5-0-0**

Mr. Gray asked on the Flood Plan from FEMA how widely distributed has this been to residents of the town. Mr. Keegan stated that he doesn't know. Mr. Gray stated that there was a meeting in North Attleboro the other night to discuss the flood plain. Mr. Keegan stated the issue of flood plain changes was addressed at town meeting and the map was redefined through town meeting so they met their obligation in terms of trying to be in compliance with the new FEMA requirements. As far as going specifically on that he thinks residents are going to have to seek assistance from either the Conservation Commission or the Building Department. Mr. Gray stated right because some may find themselves in a flood plain for the first time and need flood insurance.

Mr. Mitchell wanted to give kudos to Rich Noonan and his whole team for the Foxborough Against Diabetes Road Race they had a few weeks back. It is 15 years in a row the race drew in 800-1,000 people and it is amazing that something a group of people started 15 years ago is still thriving and growing. A special shout out to Chris Loftus who is a young child with diabetes and he finished sixth overall and he beat his older brother Timmy. It is a great annual tradition and the schools get involved so it is really good to see that going year after year and all the local businesses that support it.

Motion by Christopher Mitchell to adjourn at 9:43pm. Seconded by John Gray. **Vote 5-0-0**