

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
OCTOBER 20, 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. Roger Hill, DPW Director
Ms. Laura Bradley, 23 Gilmore Street
Mr. Manuel Leite, Library Director
Mr. Kevin Penders, Library Board of Trustees
Attorney John Michelmore, Jake n Joe's
Ms. Nichole Bramwell, Jake n Joe's
Chief O'Leary
Mr. Roger Hill, DPW Director
Officer Hoffman
Ms. Geraldine Lisowski, Fales Place
Mr. Art Poirier, Gilmore Street
Attorney Joshua Lee Smith, Massachusetts Electric/National Grid
Mr. Andy Ruby, Substation Civil Structural Engineer, National Grid
Mr. Jonathan Skrzypczak, National Grid
Mr. William Casbarra, Building Commissioner
Attorney Dan Klasnick, Verizon Wireless
Mr. Randy Scollins, Finance Director

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

James DeVellis read the agenda.

7:00pm – Citizen's Input – No one was present for Citizen's Input.

7:05pm – Selectmen's Update

Mr. DeVellis stated that there are two projects in appeal right now; one is the 40B off of Fisher Street that residents are appealing and the other is a subdivision that they appealed to DEP from a decision that the town made. Mr. DeVellis has been getting questions on representation or town counsel; who authorizes the spending (how much) and the Strong Town Manager Act. Mr. DeVellis stated the Board of Selectmen have their own policy on how to approach counsel as do

other boards. On the next agenda the Board of Selectmen wanted Mr. Keegan to provide them with that policy so at least the Board has a general idea as they move forward with both of these projects.

Mr. DeVellis stated that on Columbus Day Weekend David Feldman, Chris Long, Lynda Walsh, Jim DeVellis and Chad McWhinney (who runs the adolescent addiction at McLean Hospital that Mr. Feldman introduced to Foxborough) got together. In November they had a resident ask the Board why our public safety officials were not carrying Narcan which brought up the opioid crisis; not specifically Foxborough but coming down the pipe. Over the last year they brought it before the Board a number of times and they had different sessions in town so when they got together this weekend they had an idea of rather than reinventing the wheel and go in different directions, have a forum in town and invite input from Public Safety, First Responders, Schools, our Social Services, Community Advocates regarding the drug issue. This is a state and national issue and by putting everyone together in a round forum and open it up to public discussion and try to wrap their arms around what the issue is in Foxborough and what our directors are seeing and get their input and have a better/collective perspective rather than a few advocates going in different directions in town. Mr. DeVellis would like the Board to be involved in that at some level also. As January approaches maybe reach out to the different department heads in those sectors and ask the School Committee so they can come into January with some background information. The Board agreed.

Mr. Keegan stated that for clarity purposes is he looking for a forum where they will talk about primarily the use of Narcan in which Mr. DeVellis stated no, Narcan is one piece of it. The big picture is if you listen to people that are involved either with family members or deal with it on a day to day basis, it is very serious and we need to have done something yesterday. On the other side people that aren't privy to it might not know what is even going on but rather than speculate he wants to hear from the schools, police and fire of what they are seeing in town so once they have that information they can better gauge if this is something the school needs to spend more time on or the police or fire. Different communities approach it differently. If you go down south to the Plymouth area there are three to five towns working collectively; if you go in other areas they don't even talk about it. It is more to gauge where Foxborough is with all of this.

This Thursday there is an open house at 4:00pm and Mr. DeVellis and the Kraft Group have been getting a bunch of calls not knowing what this is all about. They brought this up at an earlier meeting. This is a public meeting and it was initiated by the Selectmen with the Kraft Group as the different permits come up in front of them and the different changes at the stadium; the Optum Lounge; the Draft Kings Lounge; the Cross Insurance Pavilion; the two super boxes and other items around there when they are in front of the Board they have a hard time gauging what exactly it is, so they invited the Planning Board, the Advisory Committee, The Board of Health and Public Safety Officials to walk the stadium so they can better understand it. Because it is a public meeting they invited the public but it is not an autograph locker room tour, it is a working session. If the public is interested in going they are meeting at the field level under the bridge gate by the blue gate.

Next Tuesday at 7:00pm there is a joint meeting with the Board of Selectmen, Planning and Water & Sewer to talk about the development around the common with respect to sewer and the

Master Plan. This is their third meeting coming up. There has been progress. They are starting to put together the infrastructure process around town and it is very helpful. If anyone is available it is at 7:00pm in the High School Media Center.

The SRPEDD (Southeastern Regional Planning & Economic Development District) just offered a grant for regional planning for the Route 140 corridor so Mr. DeVellis wanted to say congratulations and he knows Representative Jay Barrows pushed for that and he knows Mr. Keegan was involved with that and it was for a \$160,000 worth of study on the Route 140 corridor. What is interesting about the grant is Foxborough was not included in that until they advocated for it; there is no additional up charge for that. Mr. Keegan stated that it is a unique study in many ways because it involves two regional planning agencies which is something that you never see happen.

Ms. Coppola asked Mr. Hill to explain the flushing hydrant problem. Mr. Hill stated that they started the fall flushing program a week ago and they have flushed continuously since then with the exception of the weekends and Monday nights. They have been extremely successful this year. They are using a hydraulic model that they had done for the water system and what it allows them to do is to sequentially flush the mains by taking them out of service and it does not affect anything but the customers that are on that main and the hydrants that they open. They can isolate that from the rest of the town while the flushing is taking place. They haven't had any black water complaints with the flushing. They have had the opportunity to do Beach Street, Young Road, Edwards and North Street. This perpetuates to the annual work that goes on up at the Foxboro Terminal when they clean the fire control system and that always gives us black water so they are setting it up so they don't get the black water this time. They will continue this every night. They have been advertising and they have notices on Facebook, website and they have signs up on the neighborhoods that are going to be done. They will continue it until the weather gets freezing at night and then they have to terminate it for safety reasons. It has been a very successful flushing program compared to previous years with no calls.

7:10pm – Introduction of New Library Director – Kevin Penders, Manuel Leite

Mr. Penders stated that he is delighted to have Manny Leite as the new Library Director effective Saturday, October 31, 2015.

They are excited to have him. They received back in June from Mr. Cirillo that after twelve years he was going to step down on October 31, 2015 and with that they began the process of doing a pretty thorough screening/hiring process to come forward with a candidate. The Trustees met and appointed an eight member screening committee and they tried to get various cross sections from town to be sure they had the necessary representation. They had Ms. Bernard who was good enough to volunteer and serve in the capacity as a representative from Town Hall and they had two members of the library staff, Ms. Volpini and Ms. Rosetti; they had three members of the Trustees, Mr. Penders, Mr. Lally and Mr. Magee and they had a member of the Friends of the Boyden Library, Mr. Crimmins and then they ask Attorney Lovely in his capacity as someone who was involved in the last screening process for the Library Director and a former Trustee. They worked with Ms. Bernard and sent out a posting and they received 21 applications from interested candidates. They met to review those and narrowed those down to 7

that they conducted telephone interviews with. Following those telephone interviews they met and moved forward with interviewing 3 candidates in person and based on those 3 interviews they presented 2 candidates to the Board of Trustees for full consideration. Having met Mr. Leite in September they then proceeded to get to know him a little bit again and voted unanimously to offer the position to Mr. Leite to replace Mr. Cirillo.

Mr. Penders stated that they are very much looking forward to having fresh ideas and bringing in new programming ideas; they don't have a major capital project at this time. They are looking forward to seeing what he will do taking care of the building and programming.

Mr. Leite thanked everyone for making the transition process very smooth and easy. Today, Superintendent Spinnelli gave him a tour of the 5 schools and Mr. Keegan gave him a tour of the outskirts of Foxborough. The whole process has been terrific and smooth. The Library is the hub or center of the community and it is a building where all ages can come and congregate and they have various programs and materials to check out as well as organizations can use their meeting rooms. Mr. Penders mentioned fresh ideas and he intends to do that. Over the course of the next two weeks he will be meeting with each and every department head and he looks forward to working with each of them as well as the Board of Selectmen, staff and getting to know the residents. The Board of Selectmen welcomed him to town.

The Board also thanked Mr. Cirillo for all the work he has done over the last 12 years.

7:25pm – National Grid Public Hearing – Earth Removal Permit, Lot 324 Washington Street – Joshua Lee Smith, Jonathan Skrzypczak, National Grid, William Casbarra

Mr. DeVellis stated that the Board will open the meeting but then wait for Mr. Casbarra, Building Commissioner as he was delayed due to another meeting.

Christopher Mitchell read the Public Hearing Notice.

The Board continued the public hearing until the Building Commissioner arrived.

7:26pm – Jake n Joe's – Change of Manager – Attorney John Michelmores, Nichole Bramwell

Mr. Gray asked Ms. Bramwell if she had been managing the Jake n Joe's in Norwood in which Ms. Bramwell stated she was. Ms. Bramwell stated she had just moved from Norwood to Foxborough and she had been in Foxborough since they opened. Mr. Gray asked if Attorney Michelmores made her familiar with the Town of Foxborough's liquor regulations in which Ms. Bramwell stated yes.

Mr. Feldman asked if she was familiar with the Fox Cares Group. Ms. Bramwell stated that she was not and Mr. Feldman explained that they are a group of liquor license holders that get together and share best practices and it is becoming a pretty formidable group and he will have them reach out to her and he would love to see Jake n Joe's participate. Mr. Gray asked if Jake n Joe's had been participating in the past in which Mr. Feldman stated no.

Attorney Michelmore stated that Ms. Bramwell has a Servsafe certificate. She is a resident of Norton and has been employed by the Nocera family who owns the Chateau in Norton and Braintree and then she went to Norwood where she became the manager and then she went to Foxborough when it opened in 2013 and although she is not the manager of record Nichole is the General Manager so she has been very active in running Jake n Joe's in Foxborough for that period of time.

Ms. Coppola stated that Foxborough is very concerned about how the restaurants and liquor establishments in the Town of Foxborough are run and that they follow the rules and regulations and that is all they ask. Fox Cares is a wonderful organization that will get you up and running.

Mr. DeVellis stated that Jake n Joe's and the other restaurants are a nice family business and it is a pleasure to have them in town. The town does have rules and regulations and they try to take the subjectivity out of it from their side so if you look at the end of the rules and regulations it is basically three strikes and you are out. The Board of Selectmen try to keep to that and if it is understood on both sides they are all a little better off. Mr. DeVellis likes what he has seen so far with Jake n Joe's; it is a good family restaurant and it has been very successful since they have opened.

Motion by Christopher Mitchell to approve the Change of Manager at Jake n Joe's to Nichole J. Bramwell. Seconded by John Gray. **Vote 5-0-0**

7:33pm – Fales Place Re-Evaluation – Chief O'Leary/Roger Hill, DPW Director

Mr. DeVellis stated that this is something that a handful of residents had come before the Board for the simple description of as you are coming down Route 140 into the common the traffic backs up and people were turning right on to Fales Place and Gilmore Street bypassing the common and that neighborhood is very tight with turns and houses so the residents had come in front of the Board asking if they could make it a One Way, No Through Traffic or Local Traffic Only signs. The Board of Selectmen had discussions at their earlier meeting and they decided to put up two signs on Route 140 before you turn that says "No Thru Traffic". They ran that for a while and rather than just saying it was done they asked our public safety officials and DPW to come back in front of the Board from their perspective as to was it the right decision, was it effective or should they revisit it. They also reached out to the neighborhood again and at the time of the first hearing and asked them to come back in the fall once it had been running for a few months to see if it was worth doing or if there were any changes needed.

Chief O'Leary stated when he saw that this item had been put forth again on the agenda Chief O'Leary asked Officer Hoffman to go out and do a further study. At the Board's previous meeting Officer Hoffman had done a presentation in front of the Board to discuss some of the findings that he made concerning the amount of travel on the roadways as well as some speed information based on the assessment. Officer Hoffman will update the Board on a further study that they did trying to track how many vehicles from more of a scientific methodology and stopping drivers and asking where they are going and where they are coming from and it was

found that many of them are Foxborough residents that are going down either Granite Street, Water Street, South Street and Union Street and they were just headed home.

Officer Hoffman stated that there were two studies done; one was prior to the signs being put up. Officer Hoffman gave the Board the first study which was volume only as well as the latest study.

Officer Hoffman explained the study layout to the Board (top indicating the day and the left row indicates the time and the numbers in between the date and time is the number of vehicles traveled within that hour; the bottom of each row indicates the number of total vehicles in the course of that day).

The first sheet was the first study they did in June 2015. It was a two day study for Thursday and Friday and on those particular days there were 123 vehicles on Thursday and 118 vehicles on Friday. The peak would have been at 5:00pm with 44 vehicles in June on Thursday and 39 vehicles on Friday.

Chief O'Leary asked Officer Hoffman last week to conduct another survey which he did starting on Thursday, October 10, 2015. He started at approximately 12:00pm and it continued until Monday of this week and ended at 8:00pm. They saw a pretty significant increase in traffic. They also saw a change in the amount of vehicles depending on what time of day it was. They saw a dramatic increase in the morning which Officer Hoffman thought was unusual because they don't have a backup on Route 140 in the morning; it isn't really a cut through at that time. The change was so significant that the original survey shows at 9:00am both days had 8 vehicles. On Friday, October 16, 2015 there were 40 vehicles and on Monday at 9:00am there were 33 vehicles. The Montessorri School had started up. When the first survey was done it was during school vacation so that is attributing to an increase in vehicles. The original survey did include speed the only reason this survey did not is because the survey device needs two sensors in order for it to be working to calculate speed and they are down one sensor so they only have one sensor that gives them volume.

The speed indicated on the original survey no vehicles were violating the statutory limit which is 30 mph, they are all well below. Mr. DeVellis asked if it was possible to go much faster than 30 mph because there is a short distance in the turn. Officer Hoffman stated when he set up the original survey he tried to set up a benchmark speed to show that it was working correctly and he had Officer Headd with him to set up the machine and he asked Officer Headd to try and attempt to drive a vehicle over the strips at a certain speed (30 or 35 is what he believes he said) and Officer head could not reach that speed limit safely so he said it was not possible (for him).

Officer Hoffman took pictures of Fales Place and Gilmore Street and they do show some concerns for public safety. It does show a number of vehicles on the street and a couple of vehicles are actually parked on the sidewalk which is a violation of the town so that is something that could be addressed.

Officer Hoffman did measure the street out and he measured it from multiple points starting at the beginning of the corner of Fales Place and then two spots on Gilmore Street heading up to Granite Street.

In inches the beginning of Fales Place (at two sewer caps) and it was 245" at the corner it was 270" and starting at Gilmore Street it is 254" and 250". As a comparison he measured a spot on Union Street at 266". He brought a volume report from Union Street and they are comparable with the volume that Fales Place is receiving.

Mr. Gray stated that if you take a look at the handout and you go to 3:00pm on Thursday and Friday afternoons he is assuming that those numbers could be attributed to the Montessorri School as well in which Officer Hoffman stated yes, they are pick up times. Mr. Gray stated he is imagining that this will ease up by 4:00pm but then from 5:00pm-7:00pm you are running into commuting. Officer Hoffman stated 5:00pm-7:00pm definitely and he thinks they had one of their worst commuting days on Thursday; it was backed up all the way to the Dairy Queen. Mr. Gray stated that based on these numbers alone is it safe to say the signs are having little impact; they are not preventing the traffic from going through as intended. Officer Hoffman stated that the vehicles he stopped were for other infractions (stop sign or inspection sticker) and he had stated to them "just to let you know they put up a No Thru Sign" and no one said they saw it. That was also part of their plan to go out there for two weeks; they assigned the North Sector car every Monday, Wednesday, and Friday for about one hour to an hour and a half between the hours of 4:30pm-6:00pm and Officer Hoffman wanted to let the Board know that the North Sector car is the car that patrols Route 1, Patriot Place, North Street, Beach Street and Mechanic Street so for that time period he was assigned to Fales Place and Gilmore Street to basically do traffic control and again as far as they can tell the signs are unenforceable so it had to be other things other than just cutting through. Mr. Gray stated those are the actual counts for those times of people going through in which Officer Hoffman responded yes.

Mr. Gray stated that the majority of people that he stopped said they did not see the No Thru signs at all. Officer Hoffman stated he doesn't think it is surprising just the placement of the sign when you are turning you are not going to see that sign unless it is set back further; they don't really stick out.

Mr. DeVellis asked if he was stopped and asked if he saw the No Thru sign, do you think people would say they saw the sign. Officer Hoffman stated that they try to approach every stop with a positive attitude. Mr. DeVellis stated that generally Officer Hoffman thinks people don't see the sign in which Officer Hoffman stated yes.

Mr. Mitchell asked if these traffic counts were all just Fales Place and then they have to go into Gilmore Street. Mr. Mitchell asked if there were any traffic counts on the Montessori street. Officer Hoffman stated no and that the Fales Place traffic count was placed in the middle prior to the sharp turn at Fales Place.

Mr. Hill stated that he knew when they put the signs up they wouldn't have much effect because they seldom do but the idea is that there are other options and they talked about this before they put the signs up and one was a "One Way" option which would be inconvenient to residents but

it might keep more traffic off that road and that is enforceable. There is a way to make the black and whites enforceable but it is very difficult for the police to do that under any circumstances because they have to basically stop and find out that the car is not occupied by people from the neighborhood. In order for them to make those enforceable you have to be approved by Mass Highway and the Registry of Motor Vehicles and that is a difficult process. One of the things that they do with most of the roads in town is they use Chapter 90 money on those roads and that is state money which is from gasoline tax so restricting the roads to local traffic becomes a sticky wicket when you go to Mass DOT; it can be done but it is not easy.

Mr. Mitchell stated that he is not a fan of making any street a one way but is there a way to do it within certain hours (4:00pm-6:00pm). Mr. Hill stated that you can do it, but it makes the sign pretty complicated and if you drive the common and Main Street coming down toward the common, you will see a field of signs in front of you and people who are driving just will not immediately recognize those signs. The speed of approach and the time it takes for someone to intellect to a sign and the time it takes them to react to a sign gets them to the common pretty quickly so that is why many of the signs that are on the common don't get observed because people obviously don't see them regardless of what they put up. Mr. Mitchell stated once they get the first ticket they will know that it is a one way. Mr. Mitchell asked if those signs would be enforceable; if it is posted One Way between 4:00pm-6:00pm. Mr. Hill stated that it takes the vote of the Board to do it; they are the traffic commissioners so they can do that.

Ms. Coppola stated you are driving to the common on Main Street, the sign on Gilmore Street is facing this way what if you have the sign turned the other way and then maybe they will see it. The reason they take the shortcut is because they are stalled in traffic. Mr. Hill stated that the problem with that is that some people will interpret that sign as applying to Main Street because it is facing Main Street. It is a psychological process of observing and reacting to a sign takes time and people don't always equate that; they are used to a certain way to travel and a lot of times they will just do it. It is not easy to control traffic with just signage.

Mr. Gray asked if there was any thought on making the passage through Fales Place as torturous as possible so people will just give up on it. Mr. Hill stated that at 245" with parked cars on the road, that is pretty torturous right now; that is 20 ½' and that is not a lot of width. Normally they build two 12' lanes and the street is pretty narrow and congested; there are a lot of things close to the road. Mr. Gray stated that you see some roads where they pinch it in at the beginning and you give up on it. Mr. Hill stated that you can do that too but that would be more of a speed control than a directional traffic control. The only thing that might work a little better than what they have is a One Way during certain hours and that would be the vote of the Board to do that. Mr. Gray asked if given the data that they have, is that the best alternative for them to work with right now. Mr. Hill thinks so.

Chief O'Leary stated that it has always been a roadway that is very narrow. They don't get a tremendous amount of calls of any nature so it is a pretty close neighborhood and it has been aggravated by the growth in traffic along the Route 140 corridor. People see the road backed up all of the time and they live some place in South Foxborough and they know that if they take these alternative routes they are going to avoid the common altogether which is their goal. Chief O'Leary doesn't know if enforcement alone is the key to bringing about a solution, it will be a

temporary solution as long as someone is there. Given the patrol plan, there is no guarantee that every night they will have someone there because they have other duties to take care of. Chief O'Leary stated that if neighbors are here tonight he would like to hear if they have some proposals or a statement for the Board so that they have a full and frank discussion.

Mr. Mitchell asked from Dairy Queen up to the center is there anything that is changeable there to make the traffic not as congested. Chief O'Leary stated that you have a situation where you have cars going into the rotary from 5 different access points. To a limited extent cars are pulling in from Rockhill Street; there is a tremendous traffic flow coming in to the center from South Street; Route 140 coming up from Mansfield has a heavy traffic flow. Bird Street is probably the smallest traffic flow but because of that interchange of combining forces that they are managing themselves around the center you are going to have backups especially on your key streets. South Street at different times is backed up down to the Igo building and at other times Mechanic Street which is not as bad as South Street and Route 140 but they all have backups.

Officer Hoffman stated that the parked cars slow down traffic but also presents a major safety risk. A parked car basically obscures the view of an operator so if you have a small child that is behind that car, you are not going to see them until the last second whereas if you have a wider view obviously you will be able to react in time.

Ms. Bradley stated that about 15 years ago when Chief O'Leary agreed to give them a stop sign where Fales Place and Gilmore Street intersect because the neighbors at the time got together and they did feel that this slowed down the traffic and she remembers some of the same issues at that time. Chief O'Leary had stated that it wasn't a completely legitimate stop sign but they were going to put it up and see if it worked; it did work because now people do have to stop halfway down the street. She does see traffic and she has dealt with the Montessorri traffic for the last twenty years and there is definitely traffic backed up at the center but she just feels like it is a fact of life; she lives one block from Route 140. She doesn't like to see speeders. Her family is guilty of parking on the street because they have four vehicles and they have nowhere else to park; they have a tiny driveway and a 6,000 square foot lot. She would like to see better signage on Route 140 because she was unable to see that for a few days until people told her there was a sign. It is not clearly visible to her. She thinks better signage would help and also she would like to see the occasional police presence which will deter the Foxborough locals. What they do not want to see in her family is for any street to become a one way; she thinks that would be a giant inconvenience and slow down her commute in the morning. She does not want to be impeded by one way streets. She could live with this during rush hour but for all of them to be trapped she is not willing to give up her freedom for this irritating problem of people cutting through.

Mr. DeVellis stated that it is a tight neighborhood and unfortunately it is right on Route 140 and you can't get to the center as fast as you want so you are either going to go to the right or you are going to go to the left. It is a fact of life that it is getting more congested and he is not a big fan of one ways and speed bumps. He sees cars parked and he has seen Officer Hoffman out there a number of times and the town can't keep having officers sitting at one neighborhood and taking them away from others. He is willing to keep the signs up, they are not the best but his feeling is

that the people that are using and seeing it, if they have done it once, they are going to do it twice and on the third time they will see the sign. People know that they shouldn't be going through there. If it is not enforceable then they have figured it out by now and other than moving a house or making it a one way he is not sure if there is a solution that the Selectmen can offer tonight.

Mr. Feldman stated that he thinks by trying to address traffic on Fales Place they are trying to put a band aid on the situation; the real problem is the common and he thinks that is only going to get worse and they need to look at the bigger picture and see how they can get traffic to flow through the common more freely and not require people to seek alternate routes. That is probably more difficult to do but that is the only way that they are going to resolve this especially where they are looking at developing the downtown area.

Chief O'Leary stated that he knows the Planning Board has already taken steps of gathering data about traffic flows into the common area. Gordon Greene gave Chief O'Leary some information and shared with him some of the research that they have already done to try and figure out potential alternatives to better manage the flow of the cars that they have coming through especially during peak hours in light of future development of downtown.

Mr. Hill stated that now that they have achieved a grant from SRPPD for Route 140, there is no reason to stop at Bassett Street. They should go right up to the Wrentham line when they do the study since it involves Foxborough. Mr. DeVellis asked if the Mass Highway jurisdiction goes right through the common in which Mr. Hill stated it doesn't, but the numbered route goes right through the common and the planning agencies always plan a route, they don't necessarily care if it is a state highway or a local road. Mr. DeVellis stated that this would be a good topic for next Tuesday when they get together with the Planning Board and the discussion is development around the common.

Ms. Lisowski, 11 Fales Place stated that the Board had requested that she and Art Poirier be at this meeting tonight so what she would like to report is that they have not noticed a lot of difference. They are noticing traffic now coming in both directions; both from Route 140 heading north and Route 140 heading south. In one month she has seen almost three times a head on collision at the 90 degree bend in their street. She thinks they do need to address this and it needs to be addressed soon before something tragic happens. They have 15-18 new children on this street, all very young and they have no sidewalks. A couple of thoughts the neighbors have had is turning Fales Place into a One Way in one direction and Gilmore Street a one way in the opposite direction or make Fales Place a dead end like it used to be many years ago. Another problem that they are having is speed on the street. The speed limit on their street should not be 30 mph. They need to have a 10 mph speed limit put on the street. They are the same speed limit as Oak Street so she thinks this has to be addressed sooner rather than later. Mr. DeVellis stated that he doesn't disagree. He is having a hard time finding out how to do that. It is very difficult to please all of the neighbors and he knows that for a fact in those neighborhoods because a lot of the people don't want One Ways. Mr. DeVellis stated that he is going to put this back on Ms. Lisowski; if she could meet with her neighborhood and find out if there is a common consensus of what they would like there. Ms. Lisowski stated they have met with the neighborhood and they have met with the neighbors on Fales Place and several people on Gilmore Street and they are willing to go One Way.

Mr. DeVellis stated if someone from the Board of Selectmen can sit with the neighbors or Mr. Hill and come up with some kind of a concept plan. Mr. DeVellis stated that he sympathizes and he knows what they are saying but he doesn't have a solution. Mr. DeVellis is in the business of civil engineering and finding solutions; there are certain things they can't do because they are public roads and he doesn't know the history of when it used to be a one way but if they have the longevity of living there 15-30 years he thinks if there is a consensus with the neighborhood and it gets to the point that they say they have all met and this is their goals and objectives and this is what we can live with; what he doesn't want to do is start dividing neighborhoods saying some people want One Ways and some people want two ways; there are four cars on the street when there should only be two. It is not a Board of Selectmen issue, it is more of the neighborhood working it out and then coming to the Board of Selectmen with a solution and they can certainly help them by loaning the DPW and Police along the way but short of that he doesn't know what they can do tonight.

Mr. Poirier stated that the question here is child safety and it is a big question because there is a whole bunch of little kids on his street. He sits on his steps at 5:00pm in the afternoon and some of the cars go by so fast that you can't read the license plates. His suggestion is to make it One Way from 3:00pm-6:00pm; it would take that big rush of traffic that tries to get through the common and it would eliminate cutting through the neighborhood during those hours and those are the hours that are the worst. Mr. DeVellis stated that he is also hearing from 3:00pm to 6:00pm if you want to get to your house and you are on Route 140 you can't go down your own road, you have to go all the way around the rotary and come back the other way. Mr. Poirier stated that he can go down Granite Street and take a right on to Gilmore Street. Mr. Poirier asked Mr. Hill what happened to the signs that he was going to put on Granite Street. Mr. Hill stated that he only put the Gilmore Street and Fales Place signs up because the Granite Street signs would have been redundant. Mr. DeVellis stated that he thinks the Board of Selectmen decided that at the last meeting because to put a "No Thru" on Granite Street, it is one mile long and just keeps going so how do you say "No Thru" when it goes for miles. Mr. Poirier stated that he thinks if they make it One Way from 3:00pm – 6:00pm it would take care of this problem.

Mr. DeVellis asked if Mr. Poirier could be the point person or have someone from the neighborhood and have a neighborhood group meeting and invite one of the Board of Selectmen so they can sit it on it and get some type of consensus. Mr. Poirier stated that they can get together and Mr. Mitchell volunteered to go on behalf of the Board of Selectmen.

**8:10pm – National Grid Public Hearing (Cont'd) – Earth Removal Permit, Lot 324
Washington Street – Attorney Joshua Lee Smith, Bowditch & Dewey, Mr. Jonathan
Skrzypczak, National Grid, William Casbarra**

Attorney Smith stated that they are before the Board this evening seeking an earth removal permit. This is in reference to a project that involves the installation of a Modular Integrated Transportable Substation (MITS), a mobile substation at the site. The property is located off of Washington Street which is state highway Route 1 and is on property which is an approximately 50 acre site owned by FXP LLC. The company is looking to acquire a small portion of this 50

acre site in order to install this mobile substation. The company has already sought and obtained other Foxborough town related permits including a frontage variance from the Zoning Board of Appeals and various permits and approvals from the Planning Board including but not limited to an A&R endorsement to create the small lot on which this substation is going to be situated. The company has obtained all of the permits required from the town except this last permit in connection with the earth removal. The earth removal permit requirement in this case was triggered by the fact that approximately 325 cubic yards of earth material is contemplated to be taken off the site in order to accommodate the grading work that is going to occur on the site and ultimately the MITS itself. That is the jurisdictional trigger for the permit and tonight they are hoping and seeking the permit to be issued so that the company can commence work on the project which they are looking to do quite imminently. It has been somewhat of a long road getting to this point; not having to do with the town; the town has been most cooperative including the staff and the other boards but it is at the point where there has been a few bumps in the road with respect to closing the transaction and at this point they see the light and this is the last hurdle.

Mr. Gray asked if the property has been subdivided and National Grid now owns that smaller parcel. Attorney Smith stated that the formal closing has not yet occurred. There is a contingency in the purchase agreement with FXP which includes the acquisition of various permits in which he just described and this earth removal permit. Once that happens then they can close and then they will be looking to commence work. Mr. Gray asked if FXP was a National Grid company in which Attorney Smith responded no, it is a Kraft Group affiliated entity. Mr. Gray asked who was going to own the property in which Attorney Smith stated Mass Electric Company will own the substation site which is a 2.4 acre portion of the larger 50 acre site. The remainder of that site will continue to be owned by FXP.

Mr. Mitchell asked what that site is now; is it for parking. Attorney Smith stated that the majority of the site is undeveloped land and there is a driveway which is used as an access way to get to the existing town water tower. That parcel is located to the south of the parcel that they are looking to acquire.

Mr. DeVellis stated with respect to the earth removal; he saw from the plans that they will be leveling it off and would be cutting 300+ yards of material. From a contractors perspective they are going to dig and then how is it going to go through the public properties to get where it needs to go. Mr. Andy Ruby, Substation Civil Structural Engineer for National Grid stated they haven't right now decided whether it will be done by internal or outside contractors but they make it a point that any fill that is removed is dropped off at an authorized site and is typically sold to a secondary party to use as fill. Mr. DeVellis stated as far as the route going over public roads or public properties. Mr. Ruby stated that they will be going down the water tower road and down the hill and then taking a right down Route 1 with a standard 18 wheeler. Mr. DeVellis stated that it is basically no back roads. Mr. Ruby stated that there is only one way in and one way out.

Mr. Gray stated that he didn't understand the part of "removal of approximately 325 cubic yards of soil from Lot B and the importation of clean fill is not anticipated but if some raw material on the site cannot be used as structural fill then as much as 735 cubic yards of clean fill will need to

be imported.” Mr. Gray stated that if that is the case they would be importing more than they are taking out. Mr. Ruby stated that because it is an undeveloped site they can make certain assumptions based on what is out there and it is probably typical loamy rocky type soil that they find all over New England which is perfectly suitable to build on, but in case they find something out there that they can’t use; for instance, if there is a large amount of bedrock that is in their way they may have to end up excavating that bedrock to make room for their foundation. They haven’t done any soil testing or borings but they know for a fact that there is a good amount of ledge (pointed to drawing) as well as a second spot (pointed to drawing) so they may have to do extra hammering. Mr. Gray stated they would have to take all of that bedrock out and then bring it back up to grade with the imported fill in which Mr. Ruby responded yes and they will use what they can on site before they bring anything in.

Mr. Feldman asked if they have done a soil analysis as far as an LSP in which Mr. Ruby stated not that he knows of. Mr. Feldman asked if they were going to in which Mr. Ruby stated that they will test before taking anything off site, which is their standard policy.

Mr. Mitchell asked if they have all the permits from every other boards and if the Board of Selectmen say yes can they start digging and are ready to go in which Mr. Ruby responded yes, and that Verizon is already out there with their building with an access road and their intention is to widen the road by six feet.

Mr. Gray asked why it is portable. Mr. Ruby stated that it is not actually portable and it is called a Modular Integrated Transformer Skid (showed drawing) and stated that it sits on 8 piers.

Mr. Gray asked if this is primarily because there is not enough capacity up in that area and to create any further development it would need this for growth. Mr. Skrzypczak stated this question was brought up at the last hearing and basically they are reaching capacity of the existing circuits that are in Foxborough right now in this area and this is going in as a relief to those circuits so this will increase reliability and capacity. Ms. Coppola asked if this would be for the whole town in which Mr. Skrzypczak responded yes.

Mr. DeVellis stated that he and Mr. Casbarra, Building Commissioner had spoken earlier on one recommendation from their town engineer that may or may not be relevant to this right now. Mr. Casbarra stated that the original letter he submitted to the Board of Selectmen stated that after consultation with the Town Engineer, Chris Gallagher and Roger Hill, DPW Director that the access road be repaved. National Grid has agreed to do any repairs from damage. Mr. Casbarra’s understanding is what the Board is looking at here (MITS) is Phase I; Phase II (3-5 years down the road) is a full blown substation. These MITS are currently being installed and there is one on Neponset Avenue and they are doing one across from Elm Street as well. This is all part of the Union Grid upgrades providing better reliable service to Route 1. As far as the next phase, that is when they would address the repaving of the access road.

Mr. DeVellis stated that even though the recommendation is now, it is for Phase II, if and when it comes in which Mr. Casbarra stated correct. Mr. DeVellis stated that the purview of this Board is the earth removal so the question is, is the site balanced; are they taking it off to sell it. From the site plan perspective they are leveling the site and the export is needed to put the base,

nothing more and nothing less in which Mr. Casbarra stated yes and that the Board granted a permit last spring for the employee parking lot and this is very similar to it; you just can't take any loam out of town and there is no relief from that but there is no loam up there, just earth removal.

Ms. Coppola stated that Mr. Casbarra talked about the secondary phase down the road (3-5 years), would that be in the same location or would it be in addition to that. Mr. Skrzypczak stated that it is conceptual planning right now so he can't answer that. Attorney Smith stated that he thinks Ms. Coppola was asking if this structure would remain or would it be replaced. Mr. Skrzypczak stated that it will all most likely be replaced.

Ms. Coppola asked if the road would be adequate for it in which Mr. Skrzypczak responded yes.

Attorney Smith stated that there are a couple of waivers that they requested to the extent that it is necessary. Just based on the bylaw and how it is written, the two waivers that they have requested are: one waiver pertains to an easement and it is described as an access easement allowing the town to enter the site and they requested a waiver from this requirement given the secure nature of the substation. No personnel except for MEC and authorized contractors are allowed to enter the site unless they are escorted so the company does not grant easements for that purpose so they would be requesting a waiver from that requirement. The loam issue as Mr. Casbarra indicated, there is a provision that indicates no loam can be taken out of the town. In speaking with the Board of Selectmen clerk it was indicated to him that as long as the DPW Director indicated that his department wasn't interested in taking any of that loam, that this condition is also can be waived. Mr. Ruby stated that he defines loam as the first 4-6" of earth that is decomposed leaves, pine needles, etc., that is rich in organic material and can be used for planting things in and whether or not the town wants it they will tell him when they are trucking it off and if they want it, they can have it.

Mr. Gray asked Mr. Casbarra why the right of way is in the earth removal easement. Mr. Casbarra stated that he can't explain why that is in there. From Mr. Casbarra's understanding there is no waiver that can be granted for the removal of loam out of town. In the past boards did not grant waivers for this because they felt they couldn't. The easement is (Mr. Casbarra showed the Board on the map) and stated this road being constructed now is to service the unmanned Verizon switching building. As far as the easement goes it is just to expand that road. Mr. Gray asked what would happen if the Board waived that component. Mr. Casbarra asked if they waived it or just allowed the use. Mr. Gray stated that Attorney Smith is asking the Board to waive that provision. Attorney Smith stated that he thinks the intent of the bylaw involves the town having the right to go into the site to the extent that the company fails in its obligations to restore the site. Attorney Smith read a portion of the bylaw "no permit shall be issued until the owner of the site has granted to the town an easement over the land in question and conveys to the town the legal right to enter upon said land with equipment and personnel for the purpose of making acceptable restoration in accordance with the approved restorations plan in the event of default of such restorations specified in the permit by the owner or his contractual representative". Attorney Smith takes that to read right of access. It is not the road accessing the parcel it is the town coming in because National Grid all of sudden decides they don't want to do the project or they don't want to grade to the level they indicated they were going to grade it and

the town says you are in default of your obligations pursuant to this permit that was granted and so now I am going to come in and perform restoration activities. Mr. Gray stated that it looks like they are only granting an easement or access to that property until all parties are satisfied that the work has been done properly at which time it could just go away. Mr. Mitchell stated that our Building Commissioner needs to be able to go up there to inspect the work. Attorney Smith stated that he takes issue with the term "easement"; easement means something different than just having a condition that say to the extent that the obligations set forth in this permit are not satisfied or the company defaults on its obligations that the town may authorize escort to enter the site. Mr. Keegan stated that it is a right of entry. Mr. DeVellis stated that he wanted to suggest that he thinks the way this is intended is if they don't follow their obligations of the earth removal permit then the town through its opportunities can go in and fix it on their behalf. Mr. DeVellis stated that this is a zoning bylaw that he is not comfortable waiving tonight. It sounds like the Board is comfortable with this and they can go forward with the approval without any waivers or they can pull it back and they can come back to the Board with some clarification with something the Board can feel comfortable. He is not comfortable with waiving any bylaws tonight.

Mr. DeVellis stated that they have dealt with the top soil which is the rich material that you take off and people think that is very valuable but the DPW does not want it unless it is screened. The intent of that is so people aren't stripping large tracks of land and taking it over to another town and over time our town is depleted of top soil. Mr. DeVellis stated to sell it some place in town or leave it some place in town but as long as it does not leave the town the Board is okay. Mr. Casbarra stated that there is a process of violations and penalties of this bylaw which is enforceable by the Town Manager, Building Commissioner and Chief of Police so they have enforcement powers through court on this. Ms. Coppola stated that was the intent of the bylaw because the soil was leaving town so that was purposely written to keep it in town.

Mr. Hill stated that the underlying property except for the property that is being acquired by National Grid is property owned by the Kraft organization or one of its subsidiaries. Immediately adjacent to the site is the Reeves tank site and The Town of Foxborough owns and feeds that site but that roadway is on Kraft property and an easement to the roadway can only be granted by the subservient owner of the property which is the Kraft property. The Town of Foxborough only has a right of entry on it; it is an access easement. Mr. Hill stated that what he thinks the town needs is a temporary right of entry until they complete the project in which Mr. Gray responded exactly. Ms. Coppola asked if that was a condition that would be imposed by the Planning Board in which Mr. Hill responded yes and Mr. Casbarra stated and the Zoning Board. Mr. Hill stated this does not require us to be an owner. Mr. Casbarra stated that easement would have to be in place before they brought their equipment in.

Attorney Smith stated that they are set with the loam but with respect to the easement it is not entirely clear as to how they are going to handle this at this point. Attorney Smith asked if the condition was going to indicate who the enforcement officer is going to be; would it be the Building Commissioner. Mr. Casbarra stated the Town Manager or the Chief of Police, which is what, is written in the bylaw. Mr. Keegan stated that he has heard all of the debate and he thinks that the intent is pretty clear in his opinion.

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

Mr. Gray asked if they were to modify the language that is in front of them and say that it is a temporary access to the property to determine if the soil removal was done appropriately and it is leveled and if there was anything that was imported properly and that the loam didn't leave town at which point they could bore a pad and bring in their equipment and all of that would go away leaving the easement on that roadway. If they were to go down that road would this have to go back to the Planning Board and other boards to get back to the Board of Selectmen. Mr. Casbarra stated no, because he didn't believe that any of those decisions had a condition on them; they were stand-alone decisions.

Mr. DeVellis asked if the Board of Selectmen would entertain adding a condition that describes a, c, and d that they want to add to it, it still doesn't eliminate the fact that there is language in there that says "easement", the Board can add to it but they would have to formally give them a variance from any of the requirements. Mr. Gray stated that in this particular case easement means to him "temporary access" so if the Board could just change the language to "temporary access" until such time as the Town Manager or the Building Commissioner or whoever is involved signs off on it and then that goes away. Mr. DeVellis stated that he agrees with Mr. Gray that they could do that but they would have to formally give them a variance to vary what the rules are; you can't do one without the other. Mr. Gray asked Mr. Casbarra if it needs to go back to someone else and then bring that back to the Board in which Mr. Casbarra stated he doesn't believe so because that is not a matter of zoning. Mr. Gray stated the Board could create a variance if they wanted in which Mr. Casbarra stated or a waiver whichever way the Board wanted to do it. Mr. Gray stated that he didn't want to waive the requirement entirely; he wanted to waive the requirement until Mr. Casbarra is satisfied that the property meets the drawings and conditions that they agreed to. Mr. Keegan stated that term variance is very good because they are varying from what is stated and they are providing access at the same time; that is really the goal here. Ms. Coppola asked if the Board of Selectmen have the power to do that in which Mr. Keegan stated yes, it is a Board of Selectmen bylaw.

Mr. Gray stated that if the Board of Selectmen could buffer language on something like that he thinks they would be done. They just want to clarify it because he thinks the town still does have an obligation to go onto the property and sign off on the project before they bring in their equipment and finish their project. Mr. DeVellis stated to Mr. Casbarra that he had to have dealt with hundreds of these in which Mr. Casbarra stated not like this one. He has dealt with 12-16 attorneys on this one. They worked through it the best they could in what they thought was the legal way and proper way to do it and got it through all of the Boards.

Mr. DeVellis stated that if National Grid has had attorneys look at this; Mr. Casbarra stated not just National Grid but everyone. Mr. DeVellis stated that if that is the case he is very apprehensive to give a waiver unless town counsel looks at this. He doesn't see the need other than what if the worst case they don't do something and then someone calls it an easement and then it will be in perpetuity. It hasn't been brought up before and it hasn't been the case; granted this is something that is a little unique but that is going to be built after the earth removal issue goes away and the permit is issued and there is an inspection and when it is done according to

the site plan then they build that so if the Board is going to go through a waiver tonight and try to put language together that makes sense he is not supportive of that. Mr. Keegan stated that the process goes as written and then when the project is complete they can come back and request the removal of the easement because at that point the town wouldn't have the need for it. Attorney Smith stated that he was fine with that.

Motion by Christopher Mitchell to approve the earth removal permit for National Grid on Lot 324 Washington Street as submitted.

Attorney Smith asked if that meant they would have to come back as part of a public hearing or can that be done administratively through Mr. Casbarra or one of the enforcing officers. Mr. Keegan stated that the Board would have to approve it at a meeting. Mr. DeVellis stated that it is their interpretation that they need to and he thinks once the earth removal is done, it is done and it goes away. If they think it is going to stay in perpetuity then their counsel would have to send the Board of Selectmen a letter stating that they have an issue with this and how do we address it. As far as the Board of Selectmen are concerned it is not an issue.

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

8:41pm – Discussion Wireless Antennas on Utility Poles – Attorney Dan Klasnick, Verizon Wireless, Bill Casbarra, Building Commissioner

Attorney Klasnick stated that he has a set of plans that are representative and helpful. The plan Attorney Klasnick was looking at was for Bradford Avenue. What Verizon Wireless is faced with is an abundance of network demand. It is a good place to be where you have customers that are demanding your product and their product are waves that allow people to communicate. As the continuing demand capacity and coverage continues to inundate the Verizon Wireless network they are continuing to come up with flexible, hopeful solutions that will allow it to continue to satisfy the customer requirements. In this particular instance what they are looking at is what is called a small cell deployment which is a very limited amount of equipment as opposed to a macro site. Verizon Wireless would have a number of macro sites which has beefier antennas with more radio equipment that would allow them to operate but what they found over time is these simply are not adequate to meet the demand on the network so they have come up with this. They have gone forward in other communities and it is a really good interesting approach to address a very difficult problem. The facility itself consists of utilizing existing infrastructure utility poles. Verizon Wireless has already entered into a license agreement with National Grid to attach on to various utility poles or they have the pre-licensing phase where they have made the necessary filings and they are still in the process with National Grid. Before doing any work required they would certainly enter into an agreement with the owner of the pole. To the extent that the locations are in the town right of way what they have found in other communities is that it is typically something that is handled fairly and formerly where a party is designated in the town where they send notice that they are interested in the right of way and in some communities they look at perhaps that you need to have an electrical permit to continue to work. If it is in a town right of way they would follow the process similar to that and hopefully that would allow them to contract with a Verizon Wireless vendor to go out and perform the work. Typically it is just a bucket truck that allows them to access their utility

pole and put their small antennas up and there is also some additional equipment that is attached to the utility pole. There is absolutely no ground equipment and no groundwork or ground disturbance within any of the areas. It is something that is just utilizing the existing infrastructure. There is a fiber run that goes back to a central hub and in that central hub that is where the actual radio equipment and switching equipment would be to allow it to connect back into the network. The idea is to try to keep up with capacity in a way that is as very impactful as possible by utilizing the infrastructure. They would also put these in the state right of way going through the state process. Where they are in the town right of way they would appreciate guidance from this board as to how to best proceed.

Mr. Casbarra stated the reason why he wanted to bring it to the Boards attention was over the past month/two months they received several inquiries from different vendors to do this. He checked with different communities that have been approached by these companies and because they were in the right of ways they went to the Selectmen for an approval to be able to do that. His understanding from reading statute is whoever owns the pole is considered the utility. They can't deny these antennas from going up if it is a dead area unless there is a significant safety or engineering issue then they have to provide an alternative. He doesn't know how many of these poles the town owns, most of them from what he understands are owned by Verizon. Attorney Klasnick stated that all of the locations that have been identified so far are National Grid locations. Basically what Verizon Wireless has done is that they have entered into a master agreement with National Grid so throughout the state where there are National Grid utility poles they will enter into an attachment license. They have to by state law and nondiscriminatory law grant nondiscriminatory access to any wireless service provider who wants to attach to these particular locations; it is simply viewed as a good use or a cable provider or whomever else may need to utilize the existing infrastructure. Mr. DeVellis stated existing infrastructure meaning the utility pole that is there now. Mr. Casbarra stated that is basically what is proposed. The bucket trucks will be going down the roads.

Mr. Gray stated that in Mr. Casbarra's last paragraph he stated that the Board should probably consider a lease agreement with the provider for those antennas on the poles. Mr. Casbarra stated if we owned the poles then yes. Mr. Gray stated as of right now he has not identified any of these as a public utility pole in which Mr. Casbarra stated not from this but there are other interested parties out there. Mr. Gray stated from the looks of this technology it looks like it may in fact be something that is going to expand rapidly. Mr. Gray asked if by putting that there if that was just an FYI to the Board or is it something they should be dealing with straight away. Mr. Casbarra stated that it is an FYI.

Mr. Mitchell asked if Sprint or anyone else wanted to do this is it conceivable they will all be going on the same pole or they will be spread out further through town. Attorney Klasnick stated that conceptually it is really a determination that is going to be made by National Grid or the utility provider as to what type of equipment each particular pole will support to the extent that if it would support multiple facilities then they would be in a position to license that. Mr. Gray stated that potentially this technology on the poles could be shared by different companies. Attorney Klasnick stated the location and that this is a specific proposal as it relates to a Verizon Wireless license and FCC frequencies and its network so it is not shared.

Mr. Keegan stated that it is interesting to note that Sprint, T-Mobile and any of those other carriers do not own poles to his knowledge so they would have to sublease from Verizon in this case. Attorney Klasnick stated no, Verizon Wireless only has a license with NGRID so it is still their utility pole, and they are just licensing space on it similar to a cable provider or whoever else is utilizing what they have already built out.

Mr. DeVellis stated when Mr. Keegan writes that they as a Board have jurisdiction over the poles for the fact that they are in the right of way so again this is for the Board's information only tonight so if they were offended or wanted to say no or yes it is really irrelevant because they are not our poles. Mr. Casbarra stated that he had given the Board the statute, Chapter 166 and also the Federal Telecommunications Act so it is really regulated on what a utility can and cannot do. It is an FYI presentation.

Mr. Keegan stated that it would be conceivable that if it really became a nuisance in a right of way by doing this kind of work we might be able to regulate that to a degree potentially.

Mr. DeVellis asked what if you have six providers on a pole. Mr. Keegan stated that if suddenly you have 12 trucks lined up on one street doing work all at once that would be a problem. Mr. Casbarra stated that there would be electrical code issues also because each one of those would require a separate service so that may not be feasible to do that.

Mr. DeVellis stated that this isn't the Boards forte so other than thanking them for the information and taking it under advisement he doesn't know what they are obligated or what their rights and responsibilities are at this point. Mr. DeVellis suggested to the Board to take it under advisement and asked Mr. Casbarra to follow up to see if they should be going in a different direction. Mr. Casbarra stated that there may come a point where these want to be put on town owned structures and then in that case they would enter into an agreement with us. Ms. Coppola asked if it would be a monetary agreement in which Mr. Casbarra stated yes. Ms. Coppola stated that right now they are dealing with National Grid poles and it was her understanding that somewhere down the road the town may be purchasing National Grid poles. Mr. Keegan stated the lights, not the poles.

Mr. Keegan stated that this is primarily information because it is brand new and if you see people up and down the streets doing this it is good for the public to hear also because if they see these new things popping up on these poles people may wonder what they are.

Mr. DeVellis asked what the experiences were they have had with other communities that they go into with this information and are they asking for approval or an FYI. Attorney Klasnick stated that they certainly want to work cooperatively in every community they go into and that is why they are endeavoring to provide an important service. What they have found in other communities is that to the extent that it is going on a town right of way a person has been designated and they will send them notice to make them aware that they are going to be doing this work and there is a police detail that is obviously involved while the bucket truck is there and that will be coordinated through the town engineer or police department. What would be most helpful to them is to know who they would be contacting. Mr. Keegan stated that his

recommendation would be the Building Commissioner because if anything there may be a permit required for electrical work in which Mr. Casbarra stated there would be because it is a service.

8:56pm – Randy Scollins – Discussion/Vote Authorization to Refund Town of Foxboro Bonds

Mr. Scollins stated that he wanted to ask the Board's vote to allow the town to do a refinancing (refunding) of a municipal bond. The interest rate environment has created another opportunity for Foxborough to refinance some of its bonds. Three and a half years ago the town refinanced about \$5.4M of bonds and saved \$715,000 in interest. Five of our bonds are now eligible to be refinanced (new bonds not the bonds we refinanced before) and they total about \$8.6M. Twenty year bonds aren't able to be refinanced or called until after ten years so that is why this opportunity is now presenting itself. The town has five bonds now that are ready to be refinanced as the interest rate environment is right or about to be ready to be refinanced (12 month window).

For informational purposes they happen to be:

- (1) Ahern Renovation Bond
- (2) Public Safety Building Bonds
- (1) High School Gas Conversion Bond
- (1) Sewer Bond

The estimated interest rate savings on these are about a little under \$800,000 and that is over 10 years that this savings would be realized. All of the debt is excluded (above and beyond 2 ½) except for \$100,000 on sewer debt so \$8.56M of this refinancing is excluded debt. That would result in direct taxpayer savings for just about all of this. In order to proceed with the process just to offer the bonds for refinancing what is required is the Board's approval just to go forward with that. If the Board votes to do that they will continue to prepare the offering prospectus and they will conduct a sale at which time they will come back to the Board tentatively scheduled for December 1, 2015 and ask the Board to consider accepting the low bid or reject it. By voting tonight there is no obligation that the town has to refinance the bonds but the interest rate environment is ripe and they don't think it is going to change between now and November 19, 2015 which is when they would have the sale. It would be direct taxpayers savings.

Mr. Gray asked that given these are 20 year bonds and they passed their 10 year threshold, are these going to be rescheduled for the remaining years or are they going to go back up to 20. Mr. Scollins stated no, just the remaining years. That is part of the beauty of refinancing or refunding a 20 year bond is because a 20 year bond coupon is a higher interest rate but a shorter term bond, like a 10 year bond is obviously a lower interest rate. Typically when these bonds go out they are lower coupons earlier on interest rates and then higher coupons later on so they are looking at mostly 3.75% and 4% coupons at this point in time on the remaining bonds so a 10 year bond is likely going to attract something closer to 2% so that is the savings. Mr. Scollins estimated if the savings here comes in as they expect it is basically about a 40% savings on the interest that they pay on these bonds. Mr. Gray stated that the bond market is pretty soft and is there an appetite for the market to absorb these in which Mr. Scollins stated there is. Mr.

Scollins stated that we are one of dozens of communities that are being herded to the marketplace to take advantage for as long as this opportunity lasts. If the market were to remain at this low level they might come back again in 2-3 years when some other maturities get to that 10 year mark which would be the High School, Library and then two (2) Water Treatment Plants but those are very competitive rates and Mr. Scollins doubts that there would be any savings at that point; he is not expecting the rates to stay this low for the next 3-5 years.

Mr. DeVellis stated on the letter from First Southwest to Mr. Scollins and Ms. Sinkus it states "Borrowing Authorization Process", are you expecting a majority vote tonight with this language to go forward. Mr. Scollins stated yes, just to go forward and authorize them to put together the offering prospectus; they can't go forward without that and without the Board's authority. You can only refinance your bonds once; it is a one shot deal and you either choose to refinance them or not, or wait longer. They believe that this is a perfect time, the window has finally come again but they would come back with the results to the Board and they could accept or reject.

Mr. Scollins stated that there is a recommended form of vote on the letter from First Southwest towards the bottom.

Mr. DeVellis assumed that Mr. Keegan had been consulted throughout this process and is on board with this in which Mr. Keegan responded he is in full support of it. It is actually good for the residents and for the community. Mr. Scollins stated that it goes right to the taxpayer.

Mr. DeVellis asked if over the next 10 years it would be about a \$80,000 savings in which Mr. Scollins stated about \$800,000. Mr. DeVellis stated \$80,000 a year in which Mr. Scollins stated yes, depending on how it is amortized. On average Mr. Scollins figured out what is the average impact per the average residential taxpayer which is about \$11 per year, per taxpayer for the average home value.

Motion by John Gray on behalf of the Board of Selectmen that in order to save interest costs the Treasurer is authorized to provide for the sale and issuance of bonds under General Law Chapter 44, Section 21A to refund all or any portion of the remaining principal of and redemption premium and interest on the Town's General Obligation Bonds dated June 15, 2005 and August 15, 2006 and for this purpose the Treasurer is authorized to provide for the preparation and distribution of a Preliminary Official Statement; provided, however that no bonds shall be issued under this vote unless and until the final interest rates and other terms of the refunding bonds are approved by the Board. Seconded by Virginia Coppola. **Vote 5-0-0**

9:04pm – Community Compact Discussion – William G. Keegan, Jr.

Mr. Keegan stated that this was brought up at the last meeting and Ms. Coppola was at the meeting with Lt. Governor Polito when this was rolled out as part of the discussion at the Massachusetts Selectmen's Association meeting. They have been engaged in this discussion prior to that with the Lieutenant Governor's office as well as members of the staff to try and identify some of the best practices they might want to pursue. Mr. Keegan wanted to give the Board tonight an overall summary of all the documents that they have received so far and on top of that identify some of the practices that they thought might be worth pursuing as part of this

compact agreement (highlighted in yellow) in the document “Community Compact Best Practices for Foxborough”.

There could be more because there is a whole list of areas that they can focus on:

- Education
- Energy and Environment
- Financial Management
- Housing and Economic Development
- Information Technology
- Regionalization/Shared Services
- Transportation and Citizens Safety

Those are the main categories.

Mr. Keegan stated that this is the first executive board put into place by Governor Baker’s administration to ensure its commitment to cities and towns throughout the Commonwealth identifying that they intend to support the cities and towns on a multi-level basis and this is an opportunity to share resources at the state level with local communities and also to identify some of the best practices that are already in existence throughout the Commonwealth and to share them back with the state so then they can serve as a resource to other communities across the Commonwealth.

Some of the communities in this area have already joined, Mansfield being one of them. Mr. Keegan stated that they would like to be part of this sooner rather than later because the sooner you become part of it the more you can become active in receiving potential grant funds so they want to be involved in this as soon as they can. Mr. Keegan stated that the question is that they have identified several areas that they think are areas worth pursuing and if the Board has additional ones or if they think they have missed it on selecting one of these few, feel free to tell them so.

Mr. Gray stated that he just had a few questions on the mechanics of this. He read through it and there is money involved; he thinks it is noble but why does one have to enter into a contract to participate with taxpayer money and best practices that other communities may have developed and are sort of being herded by the state; what are we giving up to get something. Mr. Keegan stated that we aren’t giving up anything per say and he says that knowing full well that there may be something that he hasn’t identified with but what he believes is that there are only so much grant dollars available throughout the state. This is one way of competitively getting people involved so they can actually get involved and get some of that money. There are a number of communities that may not choose to participate at all. We have a lot of good practices here that we could share as well as we would like to gain from especially with things such as economic development and technology where we are starting to really do some really good things and starting to reach out to the community on different levels now to the extent that we can gain from the knowledge that is already out there and some of the practices that are in place why should we reinvent the wheel.

Mr. Gray stated in reading the document it stated that “you will engage in one project” and if you are looking at this list he would say technology is a project that we should dive into and we could learn a lot from other communities. Mr. Keegan stated that he thinks that he read that it could be at least one project so we could do others if we wanted to. Mr. Gray stated it is a matter of atomy and he is a little nervous of the state growing some teeth and telling us what to do versus us exploring and pulling in those things that we think are beneficial to the town. Mr. Keegan stated that in the conversations they have had with Lieutenant Governor and the director of this program at the local level; he was actually a Deputy Town Administrator himself for the Town of Brookline and he is very careful to point out that they are not looking to dictate anything to them, they are just trying to be helpful to them and provide some guidance and some direction. Mr. Gray stated that was his original question, what is the need for a compact. Mr. Keegan stated that the issue is that if we didn’t have the compact then we wouldn’t be eligible to participate in the grant programs that they have. Mr. Gray stated so by signing a contract we are applying for a grant, Mr. Keegan stated yes, effectively. Ms. Coppola stated that it is her understanding that the compact is only for two years and it can be renewed. You are only really obligated for a two year period and if they find that it is not working out we don’t have to renew.

Mr. Keegan stated that he likens it to a similar program that was popular with the Governor Patrick administration previously where they had a ranking system you had to follow in terms of best practices and it was dealing with affordable housing; open space; master planning and they would rank your community accordingly and the higher you came in that ranking process you were able to be very competitive when it came to these types grants. This is just a different approach; that is all it is. Mr. Gray stated that they have seen a lot of things where the state has overridden our laws such as 40B, etc., so he just wanted to make sure that this was not another thing so they can tell us what to do.

Mr. Mitchell stated in Mr. Keegan’s memo to them he had stated that the staff met, did you include the schools on that. Mr. Keegan stated that he had not because when they first read it they thought it was primarily engaged with just the town side of government but then they found out that it was education based as well but they can do that. Mr. Mitchell stated that he should at least talk to the schools. The only other ones that Mr. Mitchell noticed were Energy and Environment and we should be looking into those.

Mr. Scollins stated that he went on to the Community Compact website and it is very informative and there is a map of the state and you can click on each community and see which communities have committed what. Canton had committed to develop formalized financial policies and that is their one item. Foxborough is going to be doing that so please feel free to use that as part of the entry into the grant program.

Mr. DeVellis stated in looking at the list of things you could go into or go towards the housing infrastructure, competitiveness, job creation, retention, information technologies. Are we spreading it too thin; should we focus on one or two or is this a benefit of picking more. Mr. Keegan stated that these are the ones that caught their eye in things that are most comparable to our community at this point in terms of what our needs are. The question then becomes what do

you see is the most driving issue that we should focus on right now, we can always add a couple later on.

Mr. Gray stated he looked at the list and said which ones are foundational issues but he also thought technology and getting our arms around that in place and set that foundation and let everything else build off of that. Mr. Gray will go with Mr. Scollins on the financial policies if they are written and ready to go he will embrace them. Mr. Keegan stated that the technology actually cuts right across the schools as well. Mr. Gray stated that it is one of these things because they have been recognizing it for years but have been unable to tackle it but if this is coaching and guidance and best practices amongst communities we could take a huge leap forward by embracing that.

Ms. Bernard stated that she had the opportunity to speak with the Assistant Town Manager in Concord and they have engaged in a community compact for this exact technology initiative and they have already benefited from technical assistance from the state on this and they are looking at almost exactly what we are looking at so we will keep in touch with them and see how it goes. They are coming up with a communications strategy and they are looking at their infrastructure and they are trying to get more citizen engagement technology wise. They were excited about the support they are getting.

Mr. Keegan stated that Aaron Hyre our Director of Technology just recently won a statewide recognized award for his work here in Foxborough so we can also share good information with other people as well and at the same time we can learn from others and we can share some of our best practices as well.

Mr. Feldman stated that they have a meeting coming up next week and infrastructure is a huge item that we need to get our hands around. You sit in those meetings and you have people looking at each other saying “we know we have to do this but how do we get there”. This is great because there are other communities that have done this; they have gone through the grant process and they have built out their infrastructure and development follows. You can’t develop and then put in the infrastructure; you have to get the infrastructure in first. Mr. Keegan stated that we can do more than one. Mr. Feldman stated we don’t want to take on too much but we have to narrow it down to the top three to focus on. Mr. Keegan stated that so far he has heard:

Technology
Finance
Infrastructure

Mr. Feldman stated that he thinks the infrastructure and finance piece tie into each other.

Mr. DeVellis stated that maybe a first step with Paige Duncan the new Planner we could sit down and go through this. She may have expertise or has gone through some of these already.

Ms. Coppola stated that Mr. Keegan had said that “we put this list together” and she wanted to know if it was just he and Ms. Bernard or if they had consulted with other boards and departments in town. Mr. Keegan stated some of them yes. Ms. Coppola asked if the Board of

Selectmen were the last ones. Mr. Keegan stated not necessarily because they haven't reached out to the school department yet but Ms. Coppola had mentioned at the other meeting that she wanted to have a further discussion with the Board so he thinks it is appropriate to have that.

Mr. DeVellis stated that he thinks it is definitely a step in the right direction. What type of schedule are you looking at if the town is going to go in this direction at the state level? Mr. Keegan stated he would like to get something submitted by the first part of next month. Ms. Coppola asked if they could add to it in which Mr. Keegan responded yes. Mr. DeVellis stated that their next meeting is packed already and there is nothing more than can fit on that so maybe the following meeting they can take a second look and if they wanted to add or subtract based on this discussion.

Mr. Gray asked if there was a window that we have to act on this in which Mr. Keegan responded not that he was aware of, it is a rolling deadline.

9:18pm – Town Warrant Articles

Mr. DeVellis stated that Tuesday, February 23, 2015 is the date that they collectively decided for Town Meeting. The big ticket item on that is the town hall so that allows the town hall to get out to bid and get prices back and go forward. Mr. Keegan stated that the primary purpose of the article is the funding.

Mr. DeVellis stated that associated with this is a bunch of different articles and some contracts. Mr. DeVellis asked from their list if there was anything that needed to be stricken and taken off.

Mr. Gray asked if anyone has talked to Ad Com about their ability to handle this in the middle of budget reviews. Mr. Keegan stated that they met with the Vice Chairman today and they are trying to limit the list. Mr. Gray stated as long as they are involved in the discussion because a few weeks ago Mr. Gray had heard from a few of the Ad Com people and they stated they can't do it so hopefully that is being brokered. Mr. Keegan stated that he hasn't heard that. They talked about it at a meeting today and they will be having a discussion on 11/4/2015.

Mr. Keegan stated that if they go down the list in front of them that doesn't necessarily equate to the warrant that is front of them in terms of how they are ordered.

Abandon a Portion of Liberty Place

There is no reason why this can't wait until the town annual meeting because it is associated with the town hall project. If the town hall gets approved obviously that will be something that they want to focus on at the annual town meeting. Mr. DeVellis stated this is because it is a housekeeping issue.

Home Rule Petition for Child Abuse

The Board of Selectmen had already indicated that they were going to put this on.

Liquor License Requests

Mr. Keegan stated that he is not quite certain where that is at with the Board. Ms. Coppola stated that she was just talking to Mr. Feldman and the Economic Development Committee and they have subcommittees that they are going to be looking at because the warrant article that they have now is strictly for Forbes Crossing and right now Foxfield Plaza. The question is did we want to provide licenses in the other nodes because they wanted them to be site specific. Mr. Keegan asked if they wanted them to be site specific or did they want them to be general so that the Board could actually make that determination of where they go. Mr. Gray stated that a while ago the Board determined that the route of economic development in these nodes was liquor licenses; they were very important. Going back to Ms. Coppola's point about site specificity he thinks if they at least allocated them to the nodes then they would guarantee that there would be at least some basis for economic development; hotels, restaurants and that sort of thing.

Ms. Coppola stated that she thinks it is important because at town meeting there were questions a few years ago of how many we would need, where they would go, etc., and she thinks there is a comfort level if you have site specific, meaning in the nodes. Mr. Feldman stated that in that way you control the development nodes and where they go. Mr. Feldman stated that they will discuss this at the next Economic Development meeting but he thinks the town should have at least one or two liquor licenses so they have some flexibility if something pops up not in one those nodes it is a good opportunity for the town to have that flexibility. If we are going to go for an additional 6-8 liquor licenses (or whatever the number is) and they are going to go through the whole petition process lets add a couple just in case so we don't have to go back for two liquor licenses, they want to be correct in the number that they are going to ask for.

Ms. Coppola stated that Ms. Wason had Ryan prepare a map of the different nodes plus the downtown area and there was one section of the downtown area that she wanted to change the zoning to move it up to include that. It was basically in the business nodes but also a few for the possible downtown area.

Mr. Keegan stated that the question before the Board tonight is, are they prepared to do this at the special town meeting or would they rather wait for the annual town meeting.

Mr. Feldman stated that if Forbes Crossing is going forward we would be doing him a disservice if we waited. Ms. Coppola stated that it takes a while for the legislation to go through so that is why she is thinking as soon as they can especially for Forbes Crossing.

Mr. Mitchell asked if they could get all of their ducks in a row by February in which Ms. Coppola responded yes. Ms. Coppola stated that they had an idea of what they wanted it was just with Ms. Wason's passing the coordinator was gone. Mr. Feldman stated that he thinks they are all in agreement that they need more but the question is how many.

Mr. Keegan stated that during the month of November they need to really focus on that. Mr. Keegan asked if it was the general consensus to keep it on in which the Board agreed. Mr. DeVellis stated that he was not for this, but that it was not a strong opposition. If they had the licenses, if there were five or ten, you would get five or ten applications. If they were that

serious the three numbers are Route 1, Foxfield Plaza and downtown. There are no other areas that they are talking about. Mr. Keegan stated that the only other area would be the Chestnut Green area. Mr. DeVellis stated that downtown no one is asking for any right now because there is really no development going on. Route 1 if we had five they would take five. Foxfield Plaza they just started redevelopment and they are going through the permit process and they have liquor licenses there already. Ms. Coppola stated that they wanted at least two more. Mr. DeVellis stated that between now and getting it all figured out for the fall town meeting versus putting it on in the spring if they were serious about it and did a really good job they would be better off in the spring and that way they could say that they looked at it and we need this amount but Mr. DeVellis is not strong about that because he doesn't want to miss an opportunity at Foxfield Plaza if they are needing it and it is not there. Ms. Coppola stated when Mr. DeVellis is talking fall town meeting he means February. Mr. Feldman stated that he thinks they can put this together rather quickly. Mr. DeVellis stated that he has not been involved with the meetings and discussions they have been having on this topic but he just doesn't see a lot coming back saying they have done all of this research and they are ready to go. Mr. DeVellis stated if they are starting it now, between now and February there is a lot to do.

The Board agreed to keep it on.

New Town Hall

Mr. Keegan stated this is staying on.

Sewer Capacity

Mr. Keegan stated that the Sewer Capacity is off. Mr. Keegan spoke to Mr. Hill this afternoon and he said that they were okay with that. Mr. Keegan stated that no one is asking for sewer capacity at this point and they can wait.

Overlay District

Mr. Keegan stated that he didn't know the answer to this one. Ms. Bernard stated that according to Mr. Casbarra, this one can wait.

Personnel Bylaw

Mr. Keegan stated that this one could wait.

Contracts

Mr. Keegan stated that we have to get these done. They are close to getting resolutions here so they want to try and put those three forward.

Removal of Police Chief's Position from Civil Service

Mr. Keegan stated that this important timing wise because the Chief is in his final year of eligibility for service to this community so they need to start the recruitment process sooner rather than later and they can't do that until they have an answer on this.

Mr. DeVellis stated that out of the eleven, four just dropped off: Liberty Place, Sewer Capacity, Overlay District, Personnel Bylaw so there are seven left.

Water Main

Mr. Keegan stated that there is one last one that Mr. Hill has told Mr. Keegan about which is actually the capital item which is a water main. Mr. DeVellis asked when this came up and Mr. Keegan stated that Mr. Hill had just mentioned it to him this past week. Ms. Bernard stated that it is a CIP issue using available funds. Mr. Keegan stated that they have the money they just need to have authorization for it. Mr. DeVellis stated that if it falls under the CIP process and budget why it would be a special town meeting item. Mr. Keegan stated that the committee will still review it for the special town meeting. Mr. DeVellis asked if they could approve and authorize it under their process in which Mr. Keegan stated yes. Mr. DeVellis asked why it would be a town meeting warrant article then. Mr. Keegan stated that they still require authorization from town meeting to spend the funds. Mr. Scollins stated that Mr. Hill wants to get started sooner rather than later.

Mr. Scollins stated that the CIP would still need to convene to consider the request. The funding source for this would be existing resources within the Water Enterprise. Mr. Scollins stated that Mr. Hill wants to get this started earlier but in the CIP forum that is a question that Mr. Hill would need to answer, why are we doing this one before we even discuss prioritizing the capital for the next fiscal year. Mr. Hill is convinced that he needs to get going on this. Mr. Gray asked if this was an emergency project. Mr. Keegan stated that he can't say that it is an emergency but it is something that is really important to the timing. Mr. DeVellis asked if this was drafted in the draft the Board just received in which Mr. Keegan responded yes. Ms. Bernard stated that it was Article 7. Mr. Keegan stated that this ties into some of his roadwork as well and this allows him to get going on the main replacement so that he can get the roadwork done in the same year.

Mr. DeVellis asked if they are asking the town to raise and appropriate the money, this is not part of the Enterprise Fund. Mr. Scollins stated that Enterprise Funds are still raised and appropriated. All funds would come out of the Water Enterprise Fund. He has existing capital funds for this; he just wants to be able to have them authorized for this specifically. Mr. DeVellis stated that this is off Lakeview Road so this is the water main going up to Lakeview Pavilion in which Mr. Scollins stated yes. Ms. Coppola stated that this is Enterprise Funds so it is not competing with the other funding for the CIP general funds in which Mr. Scollins stated correct; it is just competing with other water capital. Mr. Keegan stated that it also ties into the fact that if they can get this done then they can focus on getting Route 140 done at the same time which is in tough shape. Mr. Keegan thinks that the state wants to get going on that. Mr. Feldman stated that they should look at the sewer map because if they pave that, they are not going to open it up for five years. Mr. Scollins stated that these are great questions for the CIP Committee.

Mr. Feldman asked if they should close the warrant so there are no last minute requests. Mr. Keegan stated that he would highly recommend that at this point.

Mr. DeVellis stated that he would love to close it but it should be advertised in the paper that it should be closed. Mr. Keegan stated that he wouldn't do it tonight but they should do it at their next meeting. Mr. DeVellis stated that the town meeting has been pushed off because of town hall but at some point the Board should have just cut it off. Mr. Keegan stated that the only thing that came in at the last minute was the water main.

Ms. Bernard stated that the timing would still be good if they closed this on November 3, 2015 because these are going to AdCom on November 4, 2015 and concurrently these will go to town counsel now that the Board has determined their list and they should still be on target for November 4, 2015.

9:36pm – Town Manager Update

Mr. Keegan thanked the Fire Department for the program they put together on Sunday for the Annual Mass that they do for the firefighters as well as their annual awards meeting which they held at the Public Safety Building. He appreciates the fact that they do that because it further binds that operation together and he appreciates the fact that they recognize their own members in doing that.

Mr. DeVellis mentioned earlier that there was a \$160,000 study that had been approved which includes two Regional Planning Commissions, the MAPC (Metropolitan Area Planning Commission) and SRPC (Southeastern Regional Planning Commission). They will work together and try and pull this together for us. Congratulations to the State Representative and State Senator for pulling this off because it really wasn't an easy thing to do and they had a lot of competing interests for this money. Mr. DeVellis stated that Mansfield and Norton are together and Foxborough is the odd person out and they included us in this. Mr. Keegan stated that there was a good point made earlier in that maybe we should go right to Route 140 to see the impact along that road as opposed to stopping at the Charter School. Mr. Keegan doesn't think that it will be that much of an increase in costs by doing that.

The Planning Board selected a new Town Planner this past Thursday night; she is Paige Duncan who is the Wrentham Town Planner and has been in that position for almost 20 years. She is highly qualified and she is ASCP Certified and she comes to us with tremendous enthusiasm. This is one of the jobs that she has always aspired to be at and she made that really well known at her interview and we are very pleased to have her. She won't be starting here officially until December 2, 2015 but she will be working with us periodically in between that period of time so we can get some things going and maybe she can help us with the outstanding issues that we have going. Mr. Keegan congratulates the Planning Board for making a great selection. They had two excellent finalists and they had a tough decision to make but it was clear that they were very interested in Paige right from the beginning. It went along smoothly and they didn't get a lot of candidates with the Library Director and the Planning Director but that is pretty common these days, you don't get a lot of candidates but you get quality candidates. They are really pleased that they are getting that level of quality here in this community.

This morning Mr. Keegan was asked to attend a meeting out at the Foxborough MBTA parking lot that they use for commuters. The Mansfield MBTA station is going to be undergoing renovations during the next 18-24 months where they are going to be using some of their existing parking spaces in and around the station itself. The Town of Mansfield reached out to us as well as the MBTA and asked if we could share some of those spaces that we are not using for outside people to use. Mr. Keegan stated that we would not do this for free and his suggestion he had to them was perhaps we could do it if they had a permit and they paid for the permit. That would bring us some revenue that we are not getting any revenue from right now. They wanted 50 spaces and he thinks we could comfortably do 30 spaces. Mr. Keegan spoke with the Gatra representative who would know because they run the buses there all the time and he asked how full is the parking lot all of the time and he said that 30 spaces would be fine. That would leave plenty of spaces left over for anyone that uses it. Mr. Mitchell asked if this was temporary or permanent and Mr. Keegan responded strictly temporary throughout the term of the construction. It would help out Mansfield and the MBTA and also we might pick up some revenue.

If we sell the permits what would be the rate that we would do so and Mr. Keegan wants to think that through a little bit more before we do that but it would probably not be at the same level that they charge right around the station because it is an inconvenience paying when you are further away. Even if we charge half of what they are getting right now it is still revenue for Foxborough and by the same token it helps them out and we will still gain a lot of use out of that. Ms. Coppola asked if the spaces being taken away at the Mansfield Station are those for Mansfield residents only. Mr. Keegan stated that most of them are. The problem is that they need a lay down area and it is in and around the station so that was the way that it was explained to Mr. Keegan today.

Mr. Gray asked when the construction is supposed to begin in which Mr. Keegan stated that they said it would be an 18 month period and they haven't started yet so Mr. Keegan is venturing a two year period starting from today forward, it could be less than that. Mr. Keegan didn't feel comfortable granting that as that is something that the Board has to approve.

Mr. DeVellis stated that there is a history from that lot and we tried to do a purchase of those individual spaces and that didn't work and then there was a lottery so it is worthwhile if you have not heard the history. Mr. Scollins was one of the initiators of that whole thing. Mr. Keegan stated that he understands that they leveraged several million dollars from the state government; it was a clean-up site and we spent close to \$15,000 which was nothing. Conceivably we could earn that money back through this process.

Mr. Gray stated that the fact remains that it has chronically been under-utilized and he was wondering if Mr. Keegan wanted to extend something a little bit longer to the Town of Mansfield to charge to park there. Mr. Gray stated that he goes by there every morning and if it is one third full that's a lot of people.

Mr. Mitchell stated that they should look at issuing temporary parking passes for that. Mr. Keegan stated that we do for town residents. Mr. Mitchell was told a year ago unless he was

going to use it all the time then he couldn't get a parking pass for it. Mr. Keegan stated that they will clarify that. Ms. Bernard stated that this is something they can get up on the Facebook page.

Mr. Keegan stated that it was interesting to note that there were a few passes out there and people hang them from their mirror and he noticed a couple had actually expired and some didn't have any so they need to do a better job of looking at that. One thought that they talked about is maybe we can come up with a different approach with a gate system where you have a card and residents can use it and update it periodically. Anyone else would have to have a special card for that then it would be self-monitoring. Mr. DeVellis doesn't think that Mr. Keegan would hear any opposition from the Board; he thinks it is a positive thing.

Mr. Gray asked if there have been any further conversations with the Kraft organization on the Optum Lounge situation. Mr. DeVellis stated that they are having a conversation next week. Mr. DeVellis stated that the initial meeting was canceled because of a death but it is Wednesday of next week.

9:46pm – Vehicle Use Policy

Ms. Bernard stated that the history of this is when she was hired she took over some policies (some not updated and some nonexistent) and they did a review of the vehicle policy at one of their Loss Control meetings where MIIA sends one of their representatives and they talked about this because this year when the Building Commissioner got a new car there was going to be a shared vehicle. Several departments had been requesting a vehicle so they came up with the idea of sharing between Conservation, Assessors and Planning the old Building Commissioners vehicle.

In their discussions in Loss Control and reviewing good risk management policies they brought their vehicle policy (2 ½ pages) and he said it didn't cover what it needed to cover when people are using our cars. He directed Ms. Bernard to their website where she found the draft Vehicle Use Policy from MIIA so that is where their policy was created from. Ms. Bernard did have a copy of MIIA's draft policy because a couple of questions came up before the meeting. There was some language that was unclear to everyone and Ms. Bernard looked back and there were some sections that that they questioned and the origin that some of them came from the original MIIA policy. Ms. Bernard marked off with a blue tab, this was MIIA's draft policy and there was a question people had about the employees that commute more than 25 miles (page 6). This is something that MIIA recommended in their language. Mr. DeVellis stated that this was dated 2010 and Ms. Bernard stated that they had this on their website and they took that as a template and they created what they gave to the Board tonight as the Foxborough policy. Mr. DeVellis stated up until she created this draft the 2010 policy is what they used. Ms. Bernard stated that they had never used this policy, they had a 2004, a 2010 and a 2012 version of their Vehicle Use Policy but they never consulted with MIIA or their attorney to her knowledge to see if it was an adequate policy. Mr. DeVellis stated so the last one they were using was in 2010 but not this 2010 policy. Ms. Bernard stated that the 2010 policy was only two pages and the 2012 policy was only 2 ½ pages and it is very user friendly and it does cover us for some liability but not to the maximum risk management standards that MIIA looks for.

Mr. Gray asked Ms. Bernard to explain where the confusion is. Ms. Bernard stated in the Draft Vehicle Use Policy that people asked her about; on page 5 the thing about “employees who commute more than 25 miles one way shall reimburse the town for the additional fuel costs as determined by the Finance Director. Employees who have been assigned a municipal vehicle and who have an established commuting pattern of more than 25 miles one way prior to July 2006 shall be exempt from this provision as long as there is no break in assignment of a municipal vehicle greater than six months after which the exemption will no longer apply.” MIIA based this on an insurance appeal that they had. Anything prior to 2006 was not covered.

Ms. Bernard directed the Board to page 14 of the policy for anyone that is commuting more than 25 miles one way (we don't have anyone that falls under this right now); it is Bullet Point #2 on page 14 of the policy (Town of Foxborough Policy) the Town Manager can make an exclusion if an employee commutes greater than 25 miles in reimbursing the town. That was a question that came up that was an unusual situation and when looking at all of our department heads who are issued a vehicle 24/7 (Police/Fire Chief; Deputy Police/Fire Chief, DPW Director and the Town Engineer), they are all within 25 miles. The other use will be the shared vehicle. Right now we have Inspectional Services, Board of Health shares one vehicle, and Animal Control has a vehicle. Conservation, Planning and Assessors are going to share a vehicle and all of those are left at town hall, they are not taken home.

Mr. DeVellis stated that one of the questions he had was vehicles that people are allowed to take home, he understands public safety but are there other departments that take vehicles home that are not part of their contract. Ms. Bernard stated that to her knowledge there are not but the vehicle use policy would eliminate that. The people that are designated 24/7 would be Police Chief, Fire Chief, Fire Deputy and she believes the Day Captain if he is doing inspections, the DPW Director and Town Engineer; people who have to respond to a 24/7 emergency. Inspectional people are not taking vehicles home. Everyone will need to review the policy and sign off on it. This has been vetted and is about three months' worth of work so they gave it to the Loss Control group which as department heads on it and they gave it to their operations group and they gave it to the people they know are going to be sharing a vehicle so it has gone to every level and it was reviewed by Human Resources Counsel who is looking at all of their policies for them.

Mr. Keegan stated that the only two contractual employees that come to mind and there are only six in town per say are: Town Manager, Police Chief, Fire Chief, Library Director (potentially under state statute), School Superintendent and the Finance Director. They are the only ones that can have a contract legally under the state statute.

Ms. Bernard stated that if you are a noncontract person they usually determine in the job description that you need a valid Massachusetts driver's license to do the job and that would be also included if it was a 24/7 requirement for the job description they would provide use of a vehicle to be taken home. This policy clearly allows the town manager to make that determination. They did do an audit and they just met last week with their insurance adjuster and she gave them their fleet schedule and they are all up-to-date. They blacked out anything that will not be taken home (fire engine, sidewalk plows, etc.) these are all vehicles that may at some point be a shared vehicle or potentially taken home. A lot of this is someone that has to go on an

inspection or municipal meeting and they will sign out the car and get it back within the same day.

Ms. Coppola stated that Ms. Bernard said that the town has an existing policy and wanted to know if the Board got a copy of that to compare. Ms. Bernard stated that she had a copy with her. Ms. Coppola asked that the 2012 policy that was enforced be sent to the Board.

Ms. Bernard stated that there is very little in the policy that was not included in the 2016 policy. The major changes were where they saw the word "HR Department" they changed that to "Town Managers Office". They changed "H.R. Director" to "Town Manager or Designee". Ms. Bernard stated they did send the policy around for comments.

Ms. Bernard stated that there is no urgency but she wanted the Board to have a chance to read that and talk through it to see what they thought. The current vehicle policy is in effect so if people are sharing it there is a policy in effect right now so it is not an emergency to vote on this it is just in the spirit of cleaning up policies before they get too busy with warrant issues.

Mr. Gray stated that when it comes to insurance, more is better.

Ms. Bernard stated that they will send the board a list of who takes vehicles home with the policy.

Ms. Coppola asked if all town vehicles are all clearly marked town vehicles in which Ms. Bernard stated yes. Ms. Bernard stated that their goal is to have them all look the same.

Mr. Keegan stated that all those people live locally.

Mr. DeVellis asked if this policy covers the schools. Ms. Bernard stated that the school is under our policy but they have a large policy manual that they have to use for accreditation and Ms. Bernard and Ms. Spinnelli met last week on which of their policies cross over and which apply. Mr. DeVellis stated that what he is looking for is an all-inclusive list if it is a town owned vehicle regardless of whose vehicle it is.

Ms. Coppola stated that last year they implemented a policy of no parking during the winter on town property and wanted to know when that takes effect. Mr. Gray stated that was in place for the Igo School and Town Hall. Mr. DeVellis stated that the reason for that was that there was damage done to a private vehicle on town property because it was being plowed and the car got damaged and they went through a process that says if it is town property then there is no overnight parking. Mr. Keegan stated that this was the first time he has heard of it. Mr. DeVellis stated that it had nothing to do with snow it was 24/7. Mr. DeVellis stated it was a policy instigated with MIIA that our rates would go down if we implemented this policy because there was a claim against the town for a private vehicle; it was at the town hall parking lot. Ms. Coppola stated that she has seen parking on town property.

9:57pm – Action Items

Motion made by Christopher Mitchell to accept the gift donation of \$200 from Serenading Seniors in Memory of Ted Inman to the Council on Aging. Seconded by John Gray. **Vote 5-0-0**

Motion made by Christopher Mitchell to approve the Sunday early openings during Patriot Home Games from 1:00pm to 11:00am on 10/25/15, 11/8/15 and 12/20/15. Seconded by John Gray.

Mr. Gray asked if none of these dates were in the suspension period. Mr. DeVellis stated that in the Board's packet the ABCC did an operator sting and they found a violation and they went through the process and Mr. DeVellis thinks it was December 2, 3, 4, 2015 and it was a three day suspension. Mr. Gray stated then they don't overlap with these dates. Mr. Gray stated that these dates are different from the suspension dates so the Board could allow this in which they responded correct. Mr. Feldman stated that the manager of Toby Keith's is the most ardent supporter of Fox Cares and their violation was a fake id and they brought the ABCC in at the last meeting and they brought fake id's in from 4-5 different states and you can't tell. All of the scanning machines can't pick up new fake id's that are coming in. It is not from lack of trying on their part to do the right thing.

Ms. Coppola asked on the Police Logs when someone gets taken into protective custody isn't that overserving. Mr. Feldman stated that the burden of proof is where did they get overserved. Mr. DeVellis stated that you could go into a bar and have one drink but have had seven drinks somewhere else. Mr. Gray stated that it is the server who should recognize that the person is incapacitated and not serve them again. Ms. Coppola wanted to know if the Board should take that into consideration as part of their record because it is part of the Police Log and it speaks to the culture of that establishment. Mr. Keegan stated that he didn't think they could attribute that unless they could prove that it is actually happening. You could draw a blurred line because those are things where people drink at games and concerts and get taken into protective custody or they could walk into the establishment and not get served and walk out and get taken into protective custody. In order to determine that the person would have to admit to where they were served last and how many drinks they had. Mr. DeVellis stated that the person could say that they were served anywhere.

Ms. Coppola stated that she knows the Foxboro Reporter gets a listing of everyone that was taken into protective custody but does the town hall. Ms. Bernard stated the police have it. Ms. Coppola stated that this was something that was brought up several years ago and asked Mr. Keegan if he could request that from Chief O'Leary in which he responded yes.

Vote 5-0-0

Motion by Christopher Mitchell to accept the gift donations from various citizens and businesses of \$3,425 to the Friends of the Foxboro Flagpole. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to accept the gift donation of \$100 to the Sharon Wason Pavilion Fund from Alan D. Lee to the Foxborough Planning Board. Seconded by John Gray.
Vote 5-0-0

Mr. Denau asked about the meeting with the Kraft group on Thursday and who reached out to make sure that this happened. Mr. DeVellis stated that he reached out to the Kraft organization and it was in context to all the different permits and changes and they wanted the Board to be able to see the changes and have that dialog. Mr. Dunau asked if the Board would convene a meeting before they do it. Mr. DeVellis stated that they will open to public meeting with a vote as would any other board that is going to be there. Any public board that has a majority will have to open up a public meeting.

Mr. Dunau asked about the traffic study conducted on Fales Police and asked if the police conducted it in which Mr. Gray stated Officer Hoffman did that.

Mr. Dunau wanted a copy of the town meeting warrant with the article that they took off. Mr. DeVellis stated that each meeting they have a spreadsheet and there was eleven on it and collectively they took off four items. Mr. DeVellis stated that he is welcome to that as well.

Mr. Dunau stated that they mentioned the Optum Lounge situation and wanted to know the correct situation with the Optum Lounge. Mr. DeVellis stated that initially they requested an alteration of the liquor license and the Board granted that and then one of the side items was the Board had to do the math of seats and ticket values. Town counsel wrote an opinion of the lease that was fifteen years old and the lease is payment in lieu of taxes so their counsel wrote and presented to the Board at a public meeting his interpretation of the lease. The Kraft organization responded with their interpretation of the lease so now the two attorneys are getting together next week to see if there is a way to work it out one way or the other. Mr. Dunau stated so it will be a continuation of when they omitted all those seats for the Optum Lounge in which Mr. DeVellis stated correct.

Motion by Christopher Mitchell to adjourn at 10:06pm. Seconded by John Gray. **Vote 5-0-0**