

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
JANUARY 12, 2016

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. Graham Silliman, Tavolino Restaurant
Attorney Mark Stopa, Saga Hibachi Steakhouse
Ms. Annie Chen, Saga Hibachi Steakhouse
Mr. Steve Lin, Saga Hibachi Steakhouse
Chief O'Leary

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

James DeVellis read the agenda.

7:00pm – Citizen's Input

Graham Silliman, Tavolino, 274 Patriot Place. Mr. Silliman stated that they are a member of Fox Cares. Mr. Silliman stated that he wanted to address a hope about the Board of Selectmen's impact as the town's licensing authority in looking at the redevelopment of shopping centers in town. For example, at recent meetings the Board had shown an interest in shaping and cultivating the town's economic livelihood. In the Board's role as a licensing authority he urges them to consider that broader interest and not just be a punitive body. That has some relevance for things that the Board will be looking at tonight. Mr. Silliman stated that he will broaden that a little bit in that the Board knows that late ending concerts and games create a time squeeze to serve guests before the usual closing times. If the Board agrees that the restaurants at Patriot Place are a useful tool for crowd and traffic control after events for these late situations; do they have a responsibility to develop a proactive policy; for example, extending closing times could be a standard checklist item that the Board has when they approve late ending event licenses.

If Patriot Place licenses had been extended one hour on January 3, 2016 what violations would the police have found at Saga or would they have seen an okay operation. As for the license holder the Board is looking at tonight, Saga, they are a small business with few resources, very little wealth and depending on the Board's decision tonight about holding their penalties in abeyance they are already looking at can they go to court; do they go to court; they have expenses and that stretches it. Again, they are a small business and they are not a large operation. The Board's actions have been 100% punitive so far. If in addition to that night's violations however, they look at the bigger picture of what that restaurant does every day and

what it's role is in the town and the place that it is in, Patriot Place, they could see this business as a perfect fit for the town and for Patriot Place by their deliberate design of the allocation of seats between the dining room and the bar; their menu; their price points and the style of service. This is an operation that opens its doors every day as the kind of restaurant that they should want; under the radar every day; the Board is not looking at them; they are not before the Board; they are not in the police blotter; please consider that with Saga. Tavolino's watches Saga from across the street from where they are; for Mr. Silliman, the biggest concern that he can see is maybe they are a little bit unsophisticated and they may encounter some language barriers. As a restaurant owner, the type of thing that Mr. Silliman thinks of is are they getting the best deal from their suppliers; it is a broader issue but they have regular business struggles and at the same time he worries that this sets them up for mistakes. They have begun to work with them a little bit and he can also say that they see that they care; they learn; they are serious about running a new business and being a responsible licensing holder. Mr. Silliman is saying to the Board then, are they willing to nurture that; do they want to cultivate that. The Board talked about cultivating economic development in town in a broader sense with other issues. Dealing with a small business owner who is not a native speaker is different from dealing with corporate, faceless, national chains. However, if you want authentic, local Asian food you might want to find a local Asian to help produce it; it might be desirable. Again, the question for the Board is; are they interested in cultivating that in the business mix.

Mr. Silliman stated that he wanted to boil this down to a very specific action item tonight. Saga has already announced that they are going to appeal the Board's decision; Mr. Silliman has no other information about this; he read about it in the Foxboro Reporter. There is in this country a constitutional respect for due process. The Board knows that appeals can change their decisions including changes to penalties and knowing this may happen, Mr. Silliman asks the Board to hold the remaining penalty into abeyance for Saga until they and the town have completed the appeal. Other towns do this in Massachusetts and it is only fair and not doing it is just being a bully. There are also other license holders and they are small businesses and they watch what the Board does. Please consider this in the broadest possible terms; the Board has to enforce the laws and they respect that. The Board has to enforce the regulations and they also have a role in setting what the broader regulations are so that things operate efficiently in their town so that it is possible and easy for people to stay within the rules and still do the right things and the best things for the town in each of their operations. Please consider that broader role and more specifically tonight, think about the impact the Board has on that business and the respect for due process.

Mr. DeVellis thanked Mr. Silliman stating it was very well said and for the record, with the exception of being a bully he agreed with everything that was said.

7:05pm – Selectmen's Update

Mr. DeVellis stated that there is a parking ban in effect and it is shown on the town website from 1:00am – 6:00am so the town is within its right to ticket or tow.

In the Board's packet there is a meeting Thursday night and that is for Judy's Flowers (Mark & Judy) to come in on the Municipal Conversion. What that is, is when a town's auction property

is sold, this provision requires them to come in front of the Selectmen to share their ideas of redevelopment, development or nothing and then the Board has a say in that. They will be there Thursday, January 14, 2016 at the Foxborough High School Media Center at 6:30pm.

The Board is scheduled for all of the Advisory Committee meetings now and Mr. DeVellis wanted to thank the Board members that go to those meetings as well.

Each meeting the Board puts on the Town Meeting Warrant items for discussion and Mr. DeVellis wanted to run through them quickly at the beginning as a summary because the meeting is coming up in February and he thinks the more people that understand it; come in and talk about it and participate, the better.

There are eight articles and the meeting is on February 23, 2016 and it runs a couple of hours. It would be great to see some of the new people there in town. For the most part it has been 130-150 people that come but there is a lot of work that goes into this all year round. The eight articles are:

1. **Home Rule Petition** – They are asking for two things for the Child Abuse Training Sessions and one is to add mandated reporters to the list of people in town so basically people are required in their profession/job if they see something they are mandated to report it. Also, Article 1 is required training. They have a group in town that provides the training and under the state law it just says training and there are no provisions on when, how and where to do it. Those two items are Added Mandated Reporters and Provisions for Training.
2. **Additional Liquor Licenses** – They are asking the town/state to provide two additional liquor licenses in town.
3. **United Steel Workers AFLCIO Union** – This is for the middle managers, department heads and clerical employee's contract for the Year 2015-2016.
4. **Police Contract** - Contract for 2016-2017 that has been negotiated and will be in the warrant article.
5. **Boyden Library Employee Contract** – Contract for 2016-2017.
6. **Removal of the Police Chief from Civil Service** – Back in 1931 this got enacted in town and the town through its discussions and process decided that now is the time to remove the civil service from that. This will be an article to be voted on in February.
7. **Water Main** – This is coming from Main Street up to Lakeview Pavilion and that is sponsored by the Water Commission.
8. **New Town Hall** – A lot of people have been working on this. It is the new town hall and demolition of the old town hall.

It is only a couple of hours on February 23, 2016 and it would be nice to have a robust group there to go to this. This is what the town is all about; the rules and process that they follow.

7:15pm – Saga Hibachi Steakhouse – Update/Report of New Procedures Concerning Recent Alcohol Violation & Discussion/Action Relating to Penalty – Attorney Stopa, Annie Chen Restaurant Manager, Steve Lin, Manager of Record

Mr. DeVellis stated that this is a little bit of an anomaly and he is going to give a little bit of the background. The first item that Saga is here to discuss going back on November 24, 2015 there was an alleged violation for four items; not clearing the tables, etc. They had a hearing on December 29, 2015 and imposed penalties. On December 31, 2015 that letter was sent by certified mail out to Saga. The Board received a letter on January 6, 2016 stating there will be an appeal on the ten day suspension and the appeal stated that it was arbitrary and capricious; not the decision to find them at fault, but the penalty as they had heard earlier. It was a ten day suspension going from January 8, 2016 to January 17, 2016 so they are right now halfway through it (5 days into it). When Attorney Stopa had sent the letter it would have required this Board to have a special meeting at the end of last week and Mr. DeVellis talked to Mr. Keegan and they decided that they would put it on the agenda tonight to decide halfway through the merits of that. The two things they wanted to talk about is; they intentionally put the first item to see what provisions if any they came up with to make changes so this doesn't happen again. The second item, because it is under appeal Mr. DeVellis just wants to caution the Board that not knowing where it is going to go, he doesn't want to revisit the items of discussion. When the Board of Selectmen made a decision he is assuming that the person on the other side of the table will put their best foot forward. They made their presentation and they did it in a unified way and the Board did their homework and made a decision and he doesn't like when people come up and try for a second pass at it, but on this particular one where it is a respected business and a respected attorney he thought it would be worth discussing if this is something that if they have something that is new or some background or history that they wanted to share to sway the Board to maybe reconsider. If the Board did want to reconsider, the Board follows the Roberts Rules of Order. They would have to go back in and not rescind the motion but amend something that was already approved because the way that the Roberts Rules of Order plays out is to avoid having to revoke things or the opportunity every meeting, if this was brought up at the last meeting and they said they were going to revoke it and if they participated tonight then they would need a majority vote. Because it wasn't brought up and this is the first time the Board is discussing it under the Roberts Rules of Order they would need a two thirds vote so that would mean two thirds of the five people. Mr. Feldman did not participate last time but he informed Mr. DeVellis that he did go back and looked at all the tapes and read the meeting minutes so he is certifying that it will be a five person vote. Mr. Feldman stated that he is ready to vote. Mr. Keegan stated counsel has advised that Mr. Feldman can vote. Mr. DeVellis stated that two thirds out of the five means that four out of the five have to vote to revoke this. The second part the Board can talk about after the first part.

Attorney Stopa introduced himself along with the managers of the restaurant. Steve Lin is the Liquor License Manager and Annie Chen runs the restaurant side and does most of the day to day activities at the restaurant; they were both at the last meeting and they didn't join Attorney Stopa at the table because it was crowded at the table at the time.

Attorney Stopa stated that as he had indicated at the time of the hearing, even before there was a notice of violation Saga Hibachi Steakhouse investigated the circumstances thoroughly and took action even without having been told to do so. At that time they had fixed the cash register timing which had gone out because of a power failure and they moved the last call for drinks from 12:40am to 12:30am just to give themselves a ten minute buffer. It doesn't necessarily need to be reminded that this was an entirely unusual set of circumstances that happened that night with the game running so late. It caught them off guard and everything that happened kind of just became an innocent mistake that just snowballed. That having been said, they decided that just generally speaking they will move last call to 12:30am and that way they don't ever encounter that problem again or at least they buy themselves another ten minutes or so of time to be able to react to exigent circumstances. Lastly, on that evening he indicated to the Board that they had already gone through retraining of all the personnel in the restaurant to remind them of what their obligation was regarding closing procedures and the timeliness of it. Since that meeting they have continued to make improvements on how they operate their business. They have reduced those closing procedures to writing as well as some of the other important aspects of managing a liquor license in a restaurant bar and again emphasis because they put it in writing and presented it to their employees again, as part of a secondary retraining they thought that would have more emphasis because they can actually see what was being said to them so they have reviewed that in completion.

They also have now become part of Fox Cares which is why the gentleman from Tavolino's was there Attorney Stopa suspects and they are fully involved with that activity and look forward to participating there. As was indicated during the Citizen's Input segment, Saga Hibachi Steakhouse is a valuable asset to the community and employees people; entertains people and feeds them. Attorney Stopa would implore the Board to try and help nurture that relationship. They don't want to be in an adverse position with the town; it makes them uncomfortable. They don't want to be having to do battle on issues and there is no way they expected to be caught in the middle of those circumstances that evening. They are embarrassed to have to go through this process and it is very costly to them to have to go through this process. They have now been without their liquor license for five days. So the Board can have an appreciation of what the net affect that is to them; again, a small business with not big margins they have lost at a minimum of \$21,000 in the last five days including tonight as a result of having to return their liquor license. It was not an easy decision for them from a financial perspective to decide to appeal but they felt that they had to. Again, they don't want to be in that position and they don't want to be adverse to the town. They want to cooperate, participate and be part of the community but they filed an appeal.

The second part is that they are asking this Board to stay the balance of the punishment so they have an opportunity to appeal this matter to the ABCC. As reasonable business people the Board can appreciate that sometimes they will have differing opinions as to what is appropriate in a set of circumstances. With their system of justice the Board of Selectmen has the power to hear the facts and decide what the penalty is and also to virtually decide what the appeal is because they impose the penalty in a correct fashion and they also eliminate the capacity of an effective appeal with the ABCC because most of the traveling public who deals with these kinds of things knows it will take them at a minimum 5-6 weeks to get to it and they are usually busier than that and it

takes sometimes 2-3 months to have the issue heard. There is that sense of fairness that goes along with that and not the least of which you have enacted a very serious penalty on the Saga Hibachi Steakhouse with the five days of closure; the impact on their business from the regular public knowing what has happened there and the actual financial dollars lost as he had indicated.

Clearly after the notice of appeal was filed one of the considerations that they had was that they kind of suspected that there wouldn't be time nor interest to call an emergency meeting just to deal with the issue of staying the punishment. The other alternative at that time would have been to go to court. Attorney Stopa worked with counsel for the Board and the town and they made arrangements where he would let him know what court they were going to and what judge was going to be assigned and they had intended to be there that next day. They decided not to do that for multiple reasons such as the huge cost but also there would have been huge costs to the town; his clients didn't want to do that to the town because again harkening back to the whole cooperation; being part of the community and being part of that aspect. As indicated in appeal documents that he filed with the ABCC they weren't taking issue with the fact that they had the violations; there is no question that the tables weren't cleared and the bar wasn't properly cleared in time; there was no question that this happened. They were willing to step up and say they deserved to be punished for that; it was a mistake and an honest mistake but a mistake nonetheless and they have an obligation and they understand that obligation so they decided that they wouldn't do that and they would wait for this Board to hear what they had to say this evening. They are before the Board on that issue; whether they will stay the balance of the punishment or take some other action in hopes that they might be able to resolve this.

Mr. DeVellis asked should this go forward to the court what is the duration to bring it from appeal through decision of the court process; are they talking weeks or months. Attorney Stopa stated if they have cause to have to go to the courthouse it would be done on an emergency basis and everything would get filed tomorrow morning. Mr. DeVellis stated that he thinks Attorney Stopa was misunderstanding him. If there was a stay to get through the court process; not under the emergency situation. Attorney Stopa stated there would be two aspects to it; the court process would only come into play if the Board decided they would not wish to stay the balance of the punishment. They would then use the Superior Court to try to get a judge to order on an emergency basis that the punishment be stayed. That would give them an opportunity to go through the balance of the process with the ABCC. How long that process is; they tell you, you would get a hearing within 5-6 weeks; Attorney Stopa thinks it is probably two months but it is probably fair to say three months is the outer limit of them taking a decision and coming back to the town. Again, because it is an appeal the town would be involved with that appeal as well.

Mr. Gray stated that Attorney Stopa's clients owned up to the violations, which was nice. The Board assessed the penalty within their guidelines. Mr. Gray wanted Attorney Stopa to tell them why he thinks they were arbitrary and capricious. Attorney Stopa stated as he tried to touch on that evening he thinks it involved not just this situation but also the year prior where there was a shift in how this Board (his observations) decided how it was going to handle liquor violations in town. Attorney Stopa has been to more than a few meetings where those violations have come up and he represented a few liquor license holders in response to violations received from the Board and his observation in November of 2014 was that there was a distinctive difference then where this client who he represented at that meeting was given a penalty very different from

several other liquor license holders just the year before and it went from a mere letter in the file to his clients being suspended for the maximum amount. He has been practicing the law for 31 years and judges often times have ranges of possibilities for what they can do in criminal and civil cases and his view and his clients view is that there has to be some recognition of what actions led to it. If they had come in here and they were a poor community member; they were thumbing their nose at the Board; they were being rude and weren't making an effort to be a good citizen he could see amping up the punishment to whatever the maximum is. In the November 2014 issue Attorney Stopa reminded the Board that the sting operations the police department runs by the very words of the ABCC are intended to be teaching tools for liquor license holders in town, not gotcha's so that the town can put the hammer down on someone. If they were to look at it from that perspective it could be a tool; it can show where there are potential weaknesses. It was a sting (set up) and it showed a weakness so that is good; the liquor license holder who was then a fairly new business in town learned from the experience; and made changes so it wouldn't happen again and Attorney Stopa thinks that was the intention of the ABCC and the police department in coming up with that kind of a plan. Very similarly in the present circumstances it was a bizarre set of facts that just spun out of the control that resulted in them violating and he assures the Board while there are suspicions on their side of the table as to whether or not it was a purposeful act on their part, he has gotten to know those people and there is no way in the world that there was anything purposeful that night. Before the Board even sent the notice they were already calling him saying they didn't even understand what happened and this is what they sorted out so far; what should they do and they started talking about it even before the notice of violation came out. To specifically answer the Board's question he thinks when a Board just all of sudden hammers the fullest extent of the punishment that they can without taking proper understanding of the set of circumstances he thinks that's what becomes arbitrary and capricious and he would hope that the ABCC will see it their way and say that the Board has to leave some room there; there are ranges of behavior and there are ranges of punishment that go along with that.

Mr. Gray stated going back to the sting operation; the Board took a look at that and found that the young man that they used as an operative was so appalling young looking that's why they went to the three days for everyone. The Board has to act as judge and jury in a lot of respects to find out what was the extent of the violation and in that particular case there was no one at the switch. In this particular case and it was awfully nice that they owned up to it and that was to their credit but the thing is had the police officer not been called you have wonder how long it would have continued. Mr. Gray quoted Ms. Coppola; their names are on the licenses as well and they are responsible to the community for making sure that the license and the rules and regulations for running that license are upheld and he knows that Attorney Stopa stated that these should be a teaching moment but how long does the Board have to teach. Attorney Stopa stated that goes to another point that he should have made that had there been a repeat of a specific violation previously and have it come in a second time, he could understand putting the hammer down more so in that circumstance. When he opened his remarks at the time of the public hearing he stated that this was very different than what happened previously; not related at all except that it is a liquor license holder and they have an obligation but it is a very different set of circumstances. They repaired the problem with their operation with regard to the sting because they have not had any issues with regard to that since then but now they are presented with this bizarre set of circumstances. In November 2014 there was something else that the Board said

that struck him and stayed with him and he can totally appreciate; there was a level of frustration that was palpable that was coming from the Board with regard to either increasing or a level of hits on these sting operations it almost seemed like the liquor license holders weren't learning a lesson and to that extent he can understand that frustration but with all due respect he doesn't think the frustration with people who had failed the process previously should have resulted in a punishment that hurt these folks because they weren't part of that process and that is why he thinks there are ranges of penalties and if someone is repeating the same violation multiple times he thinks that is what that range and the upper end of the range is (that is just his view). He has been before a lot of administrative boards and a lot of courts and he thinks that is how most of the world views that and he would ask that the Board do that. Mr. Gray stated that the Board's regulations don't say that. Attorney Stopa stated that they don't say that specifically but what they do is they give the Board discretion so that is where the Board's discretion and the concept of arbitrary and capricious comes into play and there is a crossroads to that where there is discretion on the Board's side if the facts and circumstances to a reasonable person suggests that it is egregious enough that they should go to the worst of the penalties then of course that is reasonable. If however the circumstances are such that it is not that egregious then the Board has a range of penalties then somewhere in between is probably an appropriate place to be. Attorney Stopa doesn't sit on their side of the table so he isn't going to tell them how to do their business; it is only his observations and he is only representing a client but he would like to think that if he were on that side of the table and he was judging someone/something in that regard that he would be able to understand that fairness aspect. Mr. Gray stated that arbitrary and capricious are acting outside of the Board's authority and guidelines. Attorney Stopa stated no, that is a term of art in the legal world for purposes of an appeal on decisions like this; arbitrary and capricious are the buzz words that the ABCC knows to see that suggests to them what were the circumstances and do the circumstances warrant that kind of a punishment. That is really what arbitrary and capricious means with respect to the way he wrote it and the way he intended it; his clients intended and the way he thinks the ABCC intends to read it is that do those circumstances warrant that level of punishment. He asked the Board not to take any personal offense to those words because it is not meant to suggest the Board was operating outside of the realm of what was appropriate. Mr. Gray stated that his view is that they completely disagree but he thinks he has a clearer perspective on it.

Mr. Feldman stated he would like to touch on a couple of things that Attorney Stopa mentioned; one in relation to November 2014; the Board has changed and people bring different views. He thinks one of the alarming things was the sheer number of violations and he thinks that was a wakeup call to a lot of them that they need to act and maybe not send a message but act within the guidelines of their regulations. Attorney Stopa had talked about teaching moments and you can learn from the mistakes of others. One of the positives that came out of all that was the creation of Fox Cares; they do a great job. If they had participated in Fox Cares some of these things they would have been alerted to. They invite the ABCC in and they did a presentation on fake ids; they talk about best practices and they talk about some of the problems that they have with staff; they do really good work. Bad things happened and this is one of the positives that came out of it and he is glad that they are going to be a member of Fox Cares going forward. He understands that they are contrite and they understand the mistake but the Board has rules and regulations that they need to uphold and they need to be clear that public safety comes first. Liquor licenses are a privilege and they are not a right and when there are violations they are

going to act accordingly. They don't want to do this; they want to support their local businesses but when there are mistakes they have to be accountable for those mistakes and they have to be responsible for them. Attorney Stopa stated that he understands that and following what Mr. Feldman had to say about what happened in 2014 and the Board changing its perspective on that. Attorney Stopa shared with them what he suggested that evening. He appreciates the fact that there was frustration with the Board; he lives in town; his business is in town and he shares with them that same frustration because they don't want to see those problems come up. They would like to think that people learn. The point with regard to his clients that evening back in 2014 was, he thinks it is a better perspective to come out after a volley of these things where you have treated the business owners the way the Board has treated others in the past to close that; do whatever it was they were going to do and then look in the camera and collectively say "From this point forward the Board is going to do the following: no longer will there be a Letter of Reprimand in your file but you will in fact if you fail one of these sting operations, you will in fact be suspended for three days; that is what this Board is going to do from this point forward." He thought in 2014 that would have been the more appropriate thing to do and he is a little disappointed that they didn't have the opportunity to appeal that one to the ABCC because he thinks they would have shared in that perspective; it didn't work that way and here they are in 2016. Attorney Stopa thinks it is important to understand how they got to where they are today and some of the things that have transpired in between and maybe that makes life easier for the Board and how they conduct their business.

Mr. Feldman stated the way the Board gets the message out is through their rules and regulations that go along with each license on the renewal each year. Their punishment is defined. Looking into the camera as Attorney Stopa had stated; how many people really watch; how many license holders are really sitting watching this meeting. Attorney Stopa stated that if the Board says it, it gets reported, they pay attention and he pays attention. Attorney Stopa not just represents Saga but he also represents other liquor license holders and at that point he can have a conversation with them. If the Board had said something like that and he had read it; saw it; and heard it, he would have then contacted his clients who hold liquor licenses in town and he would have scheduled some time with them stating there is a game change here and no one ever intends to violate the rules but they need to understand that the penalty for doing that has just been amped up so whatever you were doing before, if it is important to you; if money is important and continuing to being able to operate your business is important then you need to revisit these issues and make sure it doesn't happen. In Attorney Stopa's world that is exactly what would have happened. What the Board says even though there are not a lot of people there; the word gets out and particularly to the business owners and particularly through Fox Cares; everyone would know. Mr. Feldman stated that Fox Cares reached out to his client in November of 2014 and they never got back to them. They reached out on two or three other occasions and it was "we aren't interested" or there was no desire to join. Now all of a sudden there is a desire to join. Mr. Feldman gets it; they don't know what it is all about and they have their own businesses to attend to and it is a commitment (quarterly meetings, dues, etc.), but it is sharing best practices with other license holders that have been through exactly what Saga is going through so it would have been to their benefit back in November of 2014 and had they taken that opportunity they may not be sitting there today. Attorney Stopa stated that Mr. Feldman may very well be right but they can't go back. One of the things that Attorney Stopa will remind the Board is that they are the Saga Hibachi Steakhouse but that is just a building and a sign; it is

people and they discussed the numbers of life related issues that had come up in between that prevented them from doing all of the things that they should have done with regard to that. There is in fact some language barriers that have gotten in the way with some of this. Now that they are involved in Fox Cares those people understand that there are some of those limitations as well. In 2014 they had a fairly new business and were trying to make it work; you just don't open a restaurant and say yay we are making lots of money; it is a lot of hard work and it is relentless. Not by way of excuse but by way of understanding he thinks they kind of knew that was something they should have been doing there just wasn't time in life to get that done. In large part because of what this Board had to say and some of the things that Attorney Stopa had to say afterwards they understand that has to be a priority item because this is an important piece of their business to have a liquor license and be able to operate that responsibly and protect it because irrespective of it being a privilege, it is also a valuable asset and they don't want to waste that.

Ms. Coppola stated that everyone who applies for a liquor license in the Town of Foxborough are given rules and regulations that they have to read, understand and obey. They have 47-49 other establishments that have liquor licenses and the Board doesn't get people there all the time before them; they only get the people that violate those rules and regulations and that is why they are here. Ms. Coppola feels very comfortable that the decision made by the Board of Selectmen at the last meeting with regard to this violation was a very fair one and she doesn't believe that the ABCC will find that it was not fair.

Mr. Mitchell stated that Attorney Stopa mentioned that right after the December 29, 2015 hearing he was thinking about immediately appealing and that he didn't want to and then he heard a little while later if the Board of Selectmen decides tonight not to change anything they are going to appeal tomorrow. Attorney Stopa stated that if the Board doesn't change anything then he is left without any other options than to go to a superior court judge and ask for that judge to stay the punishment so that they have an opportunity to be heard at the ABCC. Mr. Mitchell asked what happens in the case of an appeal if the ABCC found that the punishment was too hard; they have already served 5 days and tomorrow it will be 6 days and by the time someone hears the case you could have already served 8 days on the suspension so what happens if they say the Board should have only given them a 5 day suspension. Attorney Stopa stated that is the downside of them waiting but again they chose to wait because they don't want to be at issue with the town and they don't want to be costing the town expenses in the form of legal fees. They just want to do business and they want to be treated fairly; that's why they didn't do that then. They are at a point now where they wanted to come back and have this conversation so perhaps the Board could either reconsider how it wants to handle their punishment or at least stay the punishment so they have an opportunity to flush it out because Attorney Stopa respects the Board's opinion and hopefully the Board respects theirs and who knows who is right; he thinks he is and the Board thinks they are so they will let someone else call it and that is what the system is set up to do. When this punishment came out so quickly it didn't leave room for that. Mr. Mitchell stated that he is not going to change his mind, they were within their guidelines. There were four violations. Everyone knows the Board's guidelines when every year they sign that license and they see what the possible penalty could be. Attorney Stopa stated yes, there were four written violations but they were just four ways of saying the same thing. Mr. Mitchell

stated that if you are driving and you hit someone and you cross the lines; a violation is a violation. Attorney Stopa stated that it is one instance but it gets identified four ways.

Mr. DeVellis stated that they are at the crossroads now and if there wants to be reconsideration for an amendment to something that was previously adopted someone would have to make a motion and it would have to be seconded and once it is seconded they would have a discussion and then vote on it. In order for that motion to pass they would need 4 out of the 5 Selectmen to vote in the affirmative. If that motion was to pass; and just to be clear it would not be to reduce the number of days it is to take the remaining days and put it off to a stay period to be determined to let the appeal process play through the court system.

Motion by David Feldman to hold the remaining penalty in abeyance until which time the Saga Steakhouse has a chance to appeal to the ABCC. There was no second motion. **The motion fails to move forward.**

7:49pm – Foxborough Highway & Water Employees Union Contract – Mary Beth Bernard

Ms. Bernard stated that what the Board had in their packets tonight was basically a consolidation of the previous contract and Memorandum of Agreement that they have seen before. This Memorandum of Agreement covers July 1, 2014 – June 30, 2016 and it was ratified by the Union and came to this Board and was approved on March 3, 2015 and it was funded at the Annual Town Meeting. What the Board is seeing in front of them is that they just brought them a Memorandum of Agreement and this is a consolidation taking the old contract and the Memorandum of Agreement. The previous contract preceded both Ms. Bernard and Mr. Keegan so the union already ratified the terms of it as of March 2013 and the Board approved it and it was funded at town meeting. They are starting contract negotiations again with this group and everyone wanted a consolidated document. This incorporates the Memorandum of Agreement that town meeting and the Board have already agreed to. They are beginning their FY17 negotiations and they wanted a clean, consolidated document. Both parties have reviewed this as well as town counsel has looked at it and they just wanted a clean, consolidated document for their record books. That is what the Board has in front of them and Ms. Bernard is happy to say that they have started negotiations and they have their third session coming up. This is a template for their next set of negotiations.

Mr. DeVellis asked if there was anything highlighted in the document that is different since the last time that they saw it in which Ms. Bernard stated no; it incorporates the old contract, the Memorandum of Agreement and the Side Letters of Agreement so everything is now up-to-date in this document and they are starting negotiations. Mr. DeVellis stated that this is presented back to the Board as more of an FYI at this point. Ms. Bernard stated yes, they wanted to tell the Board why they wanted them to sign it. The union has signed it as well as Mr. Keegan and there are no changes, it is just a consolidation.

7:52pm – Special Town Warrant Review/Changes – William G. Keegan, Jr.

Mr. DeVellis stated that the Board keeps this on the agenda for any discussion and invite anyone from the audience if they have any comments, discussion or concerns from the eight warrant

articles that are going forward. Some of the members of the Board have been going back and forth from the Advisory Committee but as of now there are no changes since the last time and everything is on track. Mr. Keegan stated that they have officially posted it on the website so anyone can see it tonight and it is still in draft form but officially the Board will sign this document provided that they feel it is acceptable at their next meeting which will be on January 26, 2016.

Mr. DeVellis stated that it is on the website and they can toggle or click on the Advisory Committee section and all of their meetings are posted and different items are scheduled on there.

7:55pm – Town Manager Update – William G. Keegan, Jr.

Mr. Keegan stated that it is a heavy meeting season. The Audit Committee met last night for the first time in 7 years. It was a very good meeting and they had the committee reformed as of last night. The primary purpose is to start looking at formatting financial policies that they can actually use in their attempt to try and increase or improve their bond rating; that was one thing that several of the boards indicated is that they would like to see the town's policies in writing so that committee is working on getting that done. They will hopefully have that completed by April for the next time they go to bond.

The Housing Trust Committee met tonight for the first time. Mr. Gray attended that meeting tonight and they have another meeting in a couple of weeks to try and get some professional assistance to help guide them in this process. Mr. Gray stated that they covered a lot of ground in 45 minutes.

The CIP Committee met last week and that was to cover three items:

1. Water Department article that is on the Special Town Warrant
2. Police Vehicle purchase that the Chief made
3. Town Hall Project that is on the Special Town Warrant in February

All three items were discussed and recommended for approval by the committee.

Budget meetings are underway in their office right now and they are also meeting with Ad Com on a regular basis. They have another meeting scheduled for tomorrow night and there is more discussion on one of the articles for town meeting for the Child Sexual Abuse Awareness Committee.

Mr. Keegan wanted to congratulate the Friends of the Flagpole funding committee for meeting their goal. Mr. Keegan was told that one of the last major payments was made by the Partners in Patriotism so they are appreciative of that.

Thursday night they have another meeting scheduled which will be for the Municipal Conversion that the Board of Selectmen are required to hold prior to the closing of the sale of the property for both the fire station and the funeral home. At that point the Board will be receiving

information from the prospective buyers of the property as to what their plans are for the redevelopment of that parcel. That is scheduled for 6:30pm prior to the Planning Board meeting which will also be held in the same room. Ms. Coppola stated that she had sent Mr. Keegan some questions and asked if he had gotten answers to them. Mr. Keegan stated that he had given that information to town counsel and town counsel will be providing answers to that by tomorrow. Ms. Coppola asked if Mr. Keegan could also get information that the auctioneer had given to the prospective bidders; exactly what he told them and what they understood to be the expectations of the town. Mr. Keegan stated that is all in writing and they actually announced it at the sale itself. Ms. Coppola asked if the Board could get a copy of that before the meeting. Mr. Keegan stated yes and that it was actually read right into the record. Mr. Keegan stated that it is a very lengthy document and it is actually part of the Purchase & Sales agreement which actually describes the whole process. Ms. Coppola asked if that could be sent electronically to the Board in which Mr. Keegan stated that he believed he could send that to the Board tomorrow. Mr. Keegan stated that there was additional information on the website as well regarding zoning statements and things of that nature; he wanted to make sure it was disclosed.

7:58pm – Assistant Town Manager’s Update – Mary Beth Bernard

Ms. Bernard stated that contract negotiations continue and they are trying to wrap up the Police contract and they are very close in time for the warrant article to be reviewed and for this Board to look at the contract; they are not there yet but they think they will be. They have also begun negotiations on the next groups. Dispatchers and DPW negotiations have started for the next fiscal year.

Recruitment efforts are underway. They have been very busy interviewing Payroll Coordinators to fill a vacancy as well as Public Safety Dispatchers right now. They are in that process and they are also recruiting for two DPW positions because one was a promotion and one was a retirement so those are underway as well.

They have been really busy; Personnel Wage Board will start their meetings up again for the year on January 20, 2016 and that is in preparation for a warrant article at Annual Town Meeting regarding the Personnel Bylaw and some new policies. Ms. Bernard has been working on a lot of human resources things and making some progress.

Mr. DeVellis stated that he had received an E-Mail and traditionally the Chairman of the Board of Selectmen is on the CIP Committee and the E-Mail went out to John Chlebek of the Advisory Committee and he accepted for the Advisory Committee. Mr. DeVellis had asked Ms. Coppola to represent the Board of Selectmen on the CIP and Mr. DeVellis had been on that for a number of years and he felt that it was good to get a fresh set of eyes and different perspective looking at things. Ms. Coppola accepted and went to that meeting. The Board has to appoint her before she votes on it. Mr. DeVellis asked that this be put in the next packet. Mr. DeVellis asked if there were any meetings before then that Ms. Coppola would have to vote on something and Mr. Keegan stated no. Mr. Keegan stated that she was able to attend the meeting and take in all of the information.

Mr. DeVellis stated that he will not be attending Thursday's meeting; he does not have a conflict but it could be a perceived conflict because one of his offices is in the building that the owner of the fire station owns. This will leave Thursday with a Board of four people so just be cognizant of that and that vote is needed before they close. If it is a 2-2 vote try to work it out so it is not a 2-2 vote. If there are any questions or they need insight he can send something to the Board if they want his opinion on that.

Ms. Coppola asked if Attorney Costello was going to be at the meeting. Mr. Keegan stated that he can have him there; he hadn't planned on it but he certainly can. Mr. Gray stated that the Board has never been through this and this will help navigate through the waters if they have to. Mr. Keegan stated Jim Coppola is the attorney who handles the actual transaction on behalf of the town; he does all the legal work as far as the deed and all things that get done at that level. Mr. Keegan stated that he is special counsel to the Treasurer/Collector and the Finance Department and is handling this whole thing. Mr. DeVellis stated that he would be the counsel to represent this because he was at the auction as well. Mr. Keegan asked Ms. Coppola if she was referring to the question of whether town counsel can weigh in on the question of the zoning bylaws. Ms. Coppola stated that she thinks there will be questions about what you can and can't do. Mr. Gray stated that he is looking for guidance of the depth and breadth of municipal conversion so that they stay within bounds. Is special counsel more financial in which Mr. Keegan stated that he is strictly financial. Ms. Coppola stated that financial is nice but she thinks they need someone who we can interpret the municipal conversion bylaw for them. Mr. Keegan stated that he has never seen a bylaw of this nature in thirty years. Ms. Coppola stated that she had asked Ms. Duncan a few weeks ago and she said that she was familiar with it.

Mr. Mitchell asked if the Board could get a copy of the parameters of this. Mr. Keegan stated that it is in the Zoning Bylaws on the town website. Mr. Gray stated that just as far as certain other case laws that have taken place; if the Board starts heading to the boundaries they can be drawn back. Mr. Keegan stated that he doesn't think there is any case law on this. Mr. Feldman stated he had looked on line and there is nothing.

Ms. Coppola asked if the Planning Board and the Asset Review Committee would be there in which Mr. Keegan stated that the Asset Review Committee plans to attend as well as the Planning Board who has a meeting there at 7:00pm. Mr. Gray stated that it is going to be a fairly good representation from the Asset Review Committee.

Mr. DeVellis stated that this property has sat there for a long time and eyes are on it to make sure it is done in the right way. There is no problem bringing counsel in and having a robust discussion.

8:05pm – Vehicle Use Policy – Mary Beth Bernard

Ms. Bernard stated that this is a 16-page policy in the Board's packet. It has been vetted by the Board a couple of times with some really good questions and edits and it has been circulated to counsel who looked at this and the department head group; operational group and the users of town vehicles. The policy is there for the Board's adoption. As policies get adopted they are hoping to include them in a policy manual as they go forward and change the Personnel Bylaw to

a real bylaw and have a town policy manual and this will be incorporated in that. Mr. Gray stated that there is a policy manual at town hall. Ms. Bernard stated that one by one they are looking at policies and that is what the Personnel Wage Board has been looking at and going through it. They have had HR counsel who has been helping them with it. Mr. Feldman asked if this is consistent with MIIA. Ms. Bernard stated that this is MIIA's template sample policy. Mr. Feldman asked if it was with their additions and changes in which Ms. Bernard stated yes; they took the old policy (about four pages) and put it in with this document and presented it to their Loss Control Group which MIIA has a representative on there and once it is adopted they can submit it and get MIIA Reward Credits for updating this. Ms. Bernard stated that they unfortunately had the chance to apply this, this week; they had an employee who had a damaged vehicle and they were able to turn to the policy and say how do we handle this. It has already been helpful to them. No policy is good until you actually have to apply it and it worked.

Mr. Mitchell asked if all the people that this affects; they have all seen it and agree with it. Ms. Bernard stated that they have circulated it to the department heads; to the users of town vehicles to their operations group and they have been floating this around for quite a long time; one of the first edits they had, had Sharon Wason on it. They were just going through the file today looking at everyone's comments, the Finance Director gave them comments so they have been vetting through as many groups as they can as well as the Personnel Wage Board and their Loss Control Group.

Motion by Christopher Mitchell that they approve and adopt the Vehicle Use Policy. Seconded by John Gray. **Vote 5-0-0**

8:07pm – Constable Policy – Mary Beth Bernard & Chief O'Leary

Mr. DeVellis stated that in the Board's packet there was a policy of appointment of Constables and in it, it is somewhat color coded and those are the changes/suggestions that the Board had during the last couple of meetings on this. Ms. Bernard stated that the last time this was brought to the Board by the Chief they had looked at this and reviewed other town's policies. The Chief put this together and they met a couple of times and the Board asked them to relook at some of the inconsistencies between the applications and the actual policy. They have done that now and the policy statement the Board will see an edit in color that the Board shall appoint not less than 10 people to Constables. On page 2 the residency should be in or proximity to Foxborough so that is now consistent throughout the entire instructions; the policy document and the application. This application and information was sent out to all of our current constables that they have listed for the town. The Chief is constantly reappointed as a Constable with the exception of four people from their former list did not reapply. They will have the list to appoint the Constables at the Board's next meeting. Right now they will have nine to appoint so if there is anyone out there who was a former Constable and wants to get their application in or if anyone is interested they are still able to entertain applications to present to the Board. They get approved by the Chief and then recommended to the Board. Chief O'Leary stated that especially where the Board will hopefully take action within the next two weeks because some people's appointments have expired in the time period since they have started discussing this in the fall. If it could be moved on next week people still have time if they got an application to them then he could do

the background investigation and be able to add them to fill a potential vacancy that they would have.

Mr. DeVellis asked Chief O'Leary to give a brief summary of what a Constable does and generally who is eligible to apply for it. Chief O'Leary stated that the primary purpose is to serve civil notice on different residents and/or businesses that are here in Foxborough and have a legal address here. Many of it has to do with civil litigation issues; potentially divorce papers and minor types of court orders that are a result of civil action. In the regulations which they had not had in the past; they were just going on state law; it spells out their duties and a particular nature and also limits some of the legal actions that they would take. From time to time state law does allow Constables appointed in very restricted areas if necessary they could make an arrest but they have tried to limit that by the wording of their policy. In all the time that Chief O'Leary has been in office he thinks there was only one Constable from some other community that actually ended up arresting someone that was trying to flee with a car that was trying to be repossessed; they assisted the Constable but he handled bringing the person to the Dedham Court.

Mr. DeVellis stated that their next meeting will be on January 26, 2016 and if they have the complete list he can supplement it with anyone that wants to apply. Ms. Bernard stated that they have a list that they will supply it to the Board on that date and if the Board approves the policy tonight they will put it on the website: instructions, application, CORI form and anything that someone would need to apply will be on the website.

Ms. Coppola stated that there are two tiers of bonding; how do they keep track of the tiers that people are in. Chief O'Leary stated that they would demonstrate to the Town Clerk that they have the necessary bonding in place. They would go to an agency that does bonding and submit a fee to get a particular level and the level that they get depends on the nature of the paperwork that they are going to serve. From what Chief O'Leary has seen, many of the people have the more extensive bonding level so they can serve a greater variety of papers. Ms. Coppola asked if they have a copy of that for their file. Chief O'Leary stated that the Town Clerk would manage that. Ms. Bernard stated that the level of bonding could be added to a spreadsheet.

Mr. Gray asked if the current applications or incumbents are all in good standing relative to the town with payments and fees. Ms. Bernard stated at this point they only have one and that was one of the reasons for doing this. They needed to do a reminder to these people that in order to be appointed as a Constable you needed to have a reporting process so that is spelled out in the new regulations. Anyone that you reappointment will need to complete the reporting requirements. Mr. Gray stated that they are only looking forward not looking back in which Mr. Keegan stated correct. Ms. Bernard stated that she only has one person who filed a report of 14 on the list.

Chief O'Leary stated that they are required by law to file a report this coming April for any work done by them during 2015. That would be a good way of seeing what is being done by each of the Constables and the expectation that if they are doing work in the community they have an obligation to pay the town a percentage that is spelled out by the state law of the work that they completed.

Mr. DeVellis stated that one of the catalysts of why they went in this direction, back in April of 2014 was the net law in effect as well. Chief O'Leary stated that it was and no one complied because they didn't really spell it out in their regulations and he thinks that now that it has been spelled out he would have an expectation those that are still active Constables serving papers would have to file the necessary financial report. Mr. DeVellis stated that it is just a little unsettling that money due to the town and it was a law you would expect the Constables to understand that and pay their fair share of what they did. Mr. Gray stated that they are supposed to be upstanding and of good moral character; that is part of the requirement.

Mr. Keegan stated that where they are required to provide a state report in April one of the things that they could require is that we get a copy of the state report along with a local report indicating all of the activity they have done here in Foxborough; it would be like an addendum to the report. Mr. DeVellis asked if it would be out of realm for the people that are getting reappointed to ask for that report for last year. Mr. Keegan stated that they are not required to submit it until April. Mr. DeVellis stated that he is talking about the report that was due April 2014. Chief O'Leary stated that they have to report in April of 2015 for April of 2016 and if there was work done in the community there should have been a report although the town did not have regulations; a report should have gone to the Town Clerk. Mr. DeVellis stated if that was town regulations or does the state require it. Chief O'Leary stated that the state law requires that they do the report. Mr. Keegan asked if they required it in 2014 to 2015 in which Chief O'Leary stated that it was state law. Mr. Gray stated that should there be a report for calendar year 2014 that was submitted in calendar year 2015. Mr. DeVellis stated yes; if they worked for the town in that calendar year to get reappointed they should provide that report and see where that goes. Mr. Keegan stated that was a fair request. Mr. DeVellis stated that it is bothersome that it is a state requirement by a Constable and regardless if they enforce it or not because it wasn't in their regulations it should not be an excuse not to provide the report to the state and copy the town. Ms. Coppola asked if that reporting requirement was in this policy now in which Mr. Feldman stated it is in there under "Fees".

Mr. DeVellis stated where it is already in the regulations the Board could still vote to approve this but at the next meeting when they get the list make a note that the requirement is that report has to be subject to being submitted before they get appointed or with their application. Ms. Bernard asked if the Board wanted to require that they provide a copy of the report filed with the state prior to appointment in which Mr. Mitchell stated yes. Chief O'Leary asked if it would be helpful that a letter goes to the pending appointments and reappointments this week to ensure that they have that opportunity to make good.

Motion by Christopher Mitchell to approve and adopt the new Constable Policy. Seconded by John Gray. **Vote 5-0-0**

8:18pm – Action Items

Motion by Christopher Mitchell to approve the November 3, 2015 Selectmen meeting minutes as written. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to approve the December 15, 2015 Board of Selectmen meeting minutes as written. Seconded by John Gray. **Vote 5-0-0**

Mr. DeVellis made a recommendation to hold the December 29, 2015 meeting minutes because that has to deal with Saga. Mr. DeVellis stated that where it is under appeal right now he wanted to take a second look at that.

Motion by Christopher Mitchell to take no action on the December 29, 2015 Board of Selectmen meeting minutes. **Vote 5-0-0**

Motion by Christopher Mitchell to approve the appointment of Janet O'Neil to fulfill Vivian Pitts term expiring 5/1/2016 to the Council on Aging. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to accept the gift donation in the amount of \$176 from Eric Kiernan for adoption fee to the Animal Control. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to reappointment Rosemary Smith to the Agricultural Commission expiring on 12/14/18. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to approve the gift donation of \$50 in memory of Rene Cartier for use with Council on Aging Programs from Mr. & Mrs. David Lowe to the Council on Aging. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to approve the remaining gifts (Christopher Mitchell read list) donation of \$14,163.23 from various donors to the Friends of Flagpole. Seconded by John Gray.

Mr. DeVellis stated that on Thursday morning they are meeting with the DPW Director, Roger Hill with one of the vendors out of Rhode Island to look at the pole and base. They are trying to get quotes for approval and construction and then have everything ready in May for Memorial Day. Because of the winter if it doesn't work, definitely Founders Day. They are really shooting for Memorial Day to have that ceremony there to see the new flag pole.

Mr. Keegan wanted to give a shout out to the folks that fixed all of the lighting around the common. Everything is operational once again. A few of the lights were out for a long time and they managed to get them all fixed.

Mr. DeVellis stated that Jack Authelet puts his sole out there and he was concerned about the lights and that whole process; he puts his heart into this. The \$41,940 raised by the community plus the donations in municipal, it is a nice partnership to have. Mr. DeVellis stated that he was doubtful that whole sentiment would catch on and he was told that it would and it did.

Mr. Mitchell stated that so many different walks of life donated to this; businesses and individuals. This is a great testament to what the flag means and what it means in Foxborough. Mr. Keegan stated that to see the \$7.00 donation jar and then the \$12,000 donation; every one of them are just as important. While they appreciate the major donations, they also know those little ones are just as equally important and share in the excitement of that new flag pole. Mr.

DeVellis stated that one of the committee members had their kids set up at Walgreens at a table. The Jaycees gave \$500 and that came from greeting cards that they had made up; if you wanted to buy greeting cards with the common and things around town it was around \$10 a box to make the \$500 and a lot of work went into that.

Ms. Coppola stated that she wanted to make a suggestion that the group that puts together the town report consider using the photo of the Thank You Sign with the flag as the cover of the Annual Report (“We Did It”) sign because that really symbolizes a community effort. Mr. Keegan stated that there were two things that they were actually struggling on a decision was the soldier came back this year too and that was a nice picture and they are going to do a story on that also. Mr. Authelet agreed to write that story for the inside of the report. Ms. Coppola stated that maybe we could do both.

Vote 5-0-0

Motion by Christopher Mitchell to approve two (2) One Day All Alcohol Licenses on January 16, 2016 from 2:00pm – 4:45pm at the Empower Field House Hospitality Suite at the Patriots Game.

The second one is for January 24, 2016 from 12:30pm – 3:05pm at the Empower Field House Hospitality Suite contingent on the Patriots making the AFC Championship Game for the New England Patriots Charitable Foundation

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

Bera Dunau, Foxboro Reporter. Mr. Dunau wanted to clarify a few things. Mr. Dunau wanted to know Mr. Silliman’s name and company. Mr. DeVellis stated that he thinks he is also a member of Fox Cares. Mr. Feldman stated that his partner, Tom Perruna is the Vice President of Fox Cares.

Mr. Dunau wanted to know if the Board just approved the final funds for the Foxborough flagpole. Mr. DeVellis stated that they had a \$50,000 estimate so a certain percentage was contributed by the town; DPW for the labor and some of the materials around the plaza. The majority of the funds were privately donated so what they did tonight is they had a tabulation every meeting and it has come up to \$41,000 so they formally accepted the donations. Once the Board accepts them, then they go into the town fund for the flagpole. Mr. Dunau asked if they no longer needed to take any more donations for the flagpole in which Mr. DeVellis stated that the estimate is an estimate and if they go over, they will need it but Mr. DeVellis is pretty comfortable that they have it and never ask for more than what they need. Mr. Dunau stated that they have estimated \$50,000 and they have \$41,000 in which Mr. DeVellis stated correct. Mr. Dunau stated that is enough of the money where they are comfortable and they are meeting with the vendor. Mr. DeVellis stated yes, to get the installation and fixing the plaza and the flower planting bed and all of those things around it. Mr. Dunau asked if anyone else had spoken during Citizen’s Input in which Mr. DeVellis stated no.

Motion by Christopher Mitchell to adjourn the Board of Selectmen's meeting at 8:32pm.
Seconded by John Gray. **Vote 5-0-0**