

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
FEBRUARY 9, 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. Joe Garrity, 68 Spring Street
Ms. Jess Enos, NPS, LLC
Mr. Joel Angelico, Stadium Advisory Committee
Mr. Warren Wright, VFW
Ms. Tamara Vital, VFW
Mr. Barnett Ovrut, Foxborough Zoning Board Chairman
Mr. William Casbarra, Building Commissioner
Mr. Ari Weinstein, 112 South High Street
Mr. John MacDonald, 4 Roberts Streets

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.

7:05pm – Selectmen's Update

Mr. DeVellis stated that next week was school vacation so he wished everyone happy travels for that week. The Board of Selectmen do not have a meeting the following Tuesday because that is the Special Town Meeting on Tuesday, February 23, 2016 starting at 7:30pm. Typically the meeting is on Monday nights but this time it is a Tuesday following school vacation. There are 8 warrant articles that the Advisory Committee has vetted over the last several of months and the Board of Selectmen and all the applicants worked pretty hard on this so if people could go to this meeting that would be great.

Mr. DeVellis wanted to give a shout out to the Advisory Committee; they have been working double duty; they are finishing up the Fall Town Meeting/Winter Town Meeting the same time they are reviewing the budgets for the following year for the May Town Meeting. They meet every Wednesday at the Public Safety Building and they start at 7:00pm so if everyone has a

chance to go to any of those meetings it is a good opportunity to see all of the departments, all of the budgets and all of the discussions before it gets too far so please try to go to those meetings.

They always have a sentence or two on the agenda that says “anything not anticipated within 72 hours can come forward”; Mr. Keegan is going to give a brief update on the storms with National Grid and the DPW during the Town Manager’s Update and Mr. DeVellis wanted to extend that discussion to include the Board with the storms on Friday and Saturday and the one yesterday, Monday and moving towards the next storm. The next time the Board meets it will not be for several weeks and Mr. DeVellis gave Mr. Keegan a suggestion to reach out to National Grid. Mr. Keegan was not here during the 2011-2012 power outages and there were a lot of commitments and promises and expectations so he wanted him to hear it from the Board and get some additional information and maybe some direction to go to National Grid with. Mr. DeVellis was not very happy with the response on Friday from National Grid so he thinks they need to wrap their arms around that and then discuss it at the end of this meeting so they will have that discussion at 7:55pm.

7:05pm – Action Items

Motion by Christopher Mitchell to approve the Board of Selectmen Meeting Minutes from January 26, 2016 as written. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to approve the gift donation of \$15 in Memory of Laura Smith for use with Senior Center Programs from Ms. Louise Hall to the Council on Aging. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to accept the grant in the amount of \$3,102 from the Partners in Patriotism Fund to the Foxborough Recreation Friends Group for CCRA Installation of Smart Board and Projector. Seconded by John Gray. **Vote 4-1-0 with Virginia Coppola voting in the negative.**

Motion by Christopher Mitchell to approve the 5th Annual Bailey’s Run for Autism on April 3, 2016 from 8:00am – 10:00am for Bailey’s Team for Autism. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to accept the gift donation of \$250 from the Sons of the American Legion to be used for the flagpole for the Friends of the Flagpole. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to approve the Ad Com/Board of Selectmen Meeting Minutes from January 27, 2016 and February 3, 2016 as written. Seconded by John Gray.

Mr. DeVellis stated that both of the meeting minutes were done at a meeting where only two people went to so it is not a board. It was advertised as a public meeting but it never made that because there were only two people and with five on the Board only two people can vote on it so you will never get a majority to approve them so he wanted to make a recommendation to put

them in the file and they can be posted but the Board can't approve them because it wasn't a board meeting.

Ms. Coppola stated that she had talked to Frank Spillane and he had stated because there wasn't a majority vote they don't even have to take the minutes.

Motion by James DeVellis to approve the January 27, 2016 and February 3, 2016 Ad Com/Board of Selectmen Meeting Minutes. **Vote 0-5-0 All were opposed.**

Motion by Christopher Mitchell to approve the Hackney License for Wayne R. Demers expiring on February 9, 2018. Seconded by John Gray. **Vote 5-0-0**

Ms. Coppola stated that in the Board's information packet they had a notice about the Dams Phase I and she asked Mr. Keegan to give the Board an update. Mr. Keegan stated that they have been working on that process with them. Ms. Coppola asked if this was a continuation of the notices they received a few months ago. Mr. Feldman stated that it is the same one and that this has been going on since 2010. Mr. Keegan stated that they keep sending it to them every year even though the town has been working on fixing the dam. It is like a form letter that they have and they keep sending it to them but they have been working on it. Ms. Coppola asked if they were in danger of being fined in which Mr. Keegan stated no, they are working with them and he doesn't understand why they keep getting the same letter and he has asked that question and they keep sending it to them.

Ms. Coppola stated that the Town of Mansfield was the proposed rotary Forbes Blvd. / Foxborough Blvd. and they said that they had no problems with the rotary. Is that the plan? Mr. Keegan stated that the plan was to do the rotary; that is what the Planning Board accepted for that project and they are trying to work with Mass Highway to see if they will approve that design and he has been working the state to see if they can get grant funds for that to get that built. Ms. Coppola asked if this was the design that they are going with in which Mr. Keegan stated they would like to. Mr. Keegan has been working with the state to see if they can get some grant funds for that to get that built. Mr. Keegan stated that they agreed to design it which they have and he agreed to offer a sum of money (\$75,000) towards the cost of building it so Mr. Keegan has actually reached out to the state to see if they can get some grant funds and he got a favorable response. Ms. Coppola stated that they did a road tour to get everyone up to speed and when they talked to the people from MassDOT they agreed that the rotary was preliminarily the best solution to that intersection problem. Ms. Coppola was glad to see that this is probably going forward. Mr. Keegan stated that the process right now is to go through the state to get the design approved and they are trying to move process along as quickly as possible because if they can get this approved before the end of the fiscal year they might be able to get the funding for the project.

Mr. Joe Garrity, 68 Spring Street – Mr. Garrity asked if on the warrant tonight if the Board was approving to have the warrant from the Board of Selectmen to have the Presidential Primaries on March 1, 2016. Mr. DeVellis stated no; there are two warrants and one has already passed for the Fall/Winter Town Meeting and what is in their packets tonight are new warrants proposed for

the May Town Meeting. Mr. Garrity asked about the Primary Elections on March 1, 2016 in which Ms. Coppola stated they did that at the last meeting.

Mr. Garrity stated that Patriot Place has fireworks on July 3rd and he wanted to know if they could do them on July 4th. Mr. Mitchell stated that this was out of their control. Mr. DeVellis stated that they are going to stick with Founder's Day.

7:15pm – NPS, LLC – Public Hearing – Revolution Home Games – Jess Enos, NPS, LLC, Joel Angelico, Stadium Advisory Committee

Christopher Mitchell read the public hearing notice.

Mr. DeVellis stated the public hearing is open and they will hear from the applicant and the Board will ask questions and where it is a public hearing if there is anyone from the audience they can introduce themselves and ask questions and then the Board will vote to close the hearing and will vote on a decision on the hearing.

Ms. Enos stated that they are requesting a license for the 2016 New England Revolution season. There are not any significant changes to their operation this season. The application is almost identical to the previous two seasons. They are requesting an opening of March 12, 2016 so the only thing is they are a week earlier than last year. They do have a snow removal plan in place in the event that they do have snow for a Revolutions match. They are requesting 17 home games and hopefully any post season playoffs that the franchise makes it into. Of those 17 home games, one is a 3:00pm kick; two of them are 4:00pm and the balance is 7:30pm. They anticipate about 18,000 people in attendance per match but as they have seen in previous years it varies drastically based on the time of year and the weather. They do have significant walk up sales for each of their games than in the summer when they have nicer weather.

They will be operating the lower bowl of the stadium again on both the east and west sides and they will have general seating in Sections 143 and 142 as they had in previous years to accommodate the fort and their stronger fan base. They are requesting gates one hour prior; lots two hours prior; parking is included in the price of the ticket as in previous years. Right now they don't have any double-headers to request and hopefully some may be added moving forward and they do have some international soccer matches in the works; they do have one application already at town hall so she will be before the Board for that one separately. This application is pretty straight forward and as of right now it will just be 17 home matches.

Mr. DeVellis stated that in the Board's packet there is correspondence from the public safety officials; fire police, Board of Health and from the Stadium Advisory Committee.

Mr. Angelico stated that they don't really see anything different than what has been happening in previous years. He just wanted to highlight that Revolution's attendance, they were given an award for 30% up in attendance last year and he thinks that is good news for the town. It just says that the Revs are getting more and more popular and let's hope they can beat that this year so the whole town can benefit from the revenue.

Mr. DeVellis asked if there were any updates from public safety with respect to what was in their packets in which Mr. Keegan stated that there were no concerns expressed.

Mr. Gray asked if they had always had Wednesday night matches in which Ms. Enos responded yes; they have two this year and she believes that they had two last year. They have 1-2 per season. Mr. Gray asked if there were any special commuting issues that go around with crowds going in. Ms. Enos stated that they are typically pretty poorly attended.

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

Motion by Christopher Mitchell to approve all of the matches for the Revolution Games proposed. Seconded by John Gray. **Vote 5-0-0**

Mr. Keegan stated that just prior to tonight's meeting they received payment for the Winter Classic event at the stadium in the amount of \$348,000 which was a very significant payment. What is more significant is that final payment which really concludes the 2015 season of events resulted in hitting the \$3.34M mark which is a new high for events held at the stadium this past year so that is the largest amount the town has ever received. That is obviously a good sign in the sense that they are taking in more revenue from the stadium on these events and based upon what Mr. Keegan is seeing now for a schedule of events coming up for this summer the town could easily see a similar type of repeat in terms of revenue. Mr. Keegan wanted to congratulate the Kraft Group on that effort.

Mr. Keegan stated that he did work on over the last few days the aggregation program that he mentioned to the Board at their last meeting. He now has information on all three companies that provide that service. He hasn't decided on which company to go with but one thing is certain that he didn't put this on the Board's list for the Annual Town Meeting but he will add it for consideration so they can take a look at that. They have been working with Bay State Consulting who has been their power energy broker for the past twelve years or so for the town. They are one of the three companies that do work on this as well and he had a presentation from them today and so that rounds out the three groups. He went to Dedham to see the presentation from Good Energy on a regional basis. The Board had the one from Colonial Power as well and he had the one from Bay State today.

It is clear to Mr. Keegan that this is an opportunity that is a good thing for the town and for the residents so he thinks he would really like the Board to pursue this and he will put it on as a potential holder in the Annual Town Meeting warrant for consideration. The Board doesn't have to choose the consultant beforehand; they all charge the same amount of money so it is just a question of which one you like the best. The fact that they already have an established relationship with this one company is a benefit to the town.

Mr. Gray asked if it was normal course heading up to a town meeting to have public educational meetings in which Mr. Keegan responded yes, they will do that; all three companies have offered to do that so that will be part of their process to have an educational discussion and present that information to everyone.

Ms. Coppola stated that a couple of meetings ago Mr. Keegan mentioned that Sun Edison who is doing their solar array field was going around to area residences offering electricity. If you took them up on their offer what does it mean if the town goes into aggregation with another company? Mr. Keegan stated that it will be a fairly similar type of thing and the only difference is that there is only a limited number of residents that can actually participate in the Sun Edison one (150 people) that can actually do that so this would afford the opportunity to the entire town plus any commercial or industrial properties as well. Ms. Coppola asked if someone signed up for Sun Edison because this is the first time they have had the opportunity to do this aggregation if the town agrees to do an aggregation, what happens to them. Mr. Keegan stated that since they are already locked in he thinks they would have to opt out of the aggregation program. The rates will be very similar in terms of what they are being offered right now and what he has seen and it is actually a longer term from what he understands; he thinks it is a ten year term for the solar for Sun Edison. You would not likely get that with aggregation the most you can get is maybe two years at the most. Ms. Coppola stated at this stage he is saying buyer beware if you agree to go with Sun Edison and something else comes down the road. First of all you are not even going to be offered it because they are only offering the aggregation price to the base service which is what everyone is on now with National Grid. If those people who are buying from Sun Edison they won't even have the opportunity to do the aggregation because they are in a private company of their own. Mr. Keegan stated what will happen is if they opt in, that rate will be a lower rate; it is a lower rate now (9.2) which is pretty much the rate that is being offered; the lowest rate he has seen anywhere on the aggregation and if that is the case they really wouldn't be losing, they would be locking in for a longer term. Ms. Coppola wanted people to be aware that possibly down the road the town is going to go into an aggregation agreement.

Mr. DeVellis stated that if this makes it on the warrant for May Town Meeting between now and May the vendor will come in and make the presentation and reach out to the community. Mr. Keegan stated what is interesting about the Sun Edison proposal is that it is a longer term lock which means they are guaranteed a pretty low rate for a long period of time which means you are locked in for a year or two at the most with aggregation but you are always subject to the changes in the market so you could have a pretty good rate one year and you could have not as good a rate the next year but you can always opt out in that case. Mr. DeVellis stated that Viridian came through a few years ago and blanketed the town and a lot of people signed up for that as well. Mr. Keegan stated that he hasn't seen anything that concerns him about the Sun Edison program to suggest to them that people shouldn't do that. Ms. Coppola stated that it would be nice to know what their opt out policy is. Mr. Keegan stated that it may not be as great as aggregation because it is a limited group; it is only 150 people so as a result they are counting on those people to buy into the program which is offsetting the cost of the program so they may be locked into that type of commitment but he isn't sure that is a bad thing it's just that they may not have the option to opt out.

7:25pm – VFW – Change of Manager – Warren Wright, Commander, Tamara Vital, Bar Manager

Mr. Wright stated their Bar Manager, Greg Dickerman moved to North Attleborough and he doesn't feel he will have the time to put into taking care of it. Ms. Vital has been basically doing

it for him so they brought it up at their meeting because she is not a member of the VFW to have her be the Bar Manager. Their bylaws say that he appoints who they choose but being a nonmember he thought it was fair to bring it up in front of the membership and there was an overwhelming vote to make her bar manager so that is why they submitted the application.

Mr. Gray asked if this was her first time being on a license in which Ms. Vital responded yes. Mr. Gray stated that they will probably go through their same battery of questions of how she will manage that and is she aware of the rules and regulations in the Town of Foxborough. Ms. Vital said that she was and she actually looked at the liquor regulations; she read them and printed them out and has it at the office at work and also has it on her computer so she has gone over everything. She has been a bartender at the VFW since 2009 and before that from 1995-2000 she also bartended. She is well aware of the regulations, laws and penalties.

Mr. Feldman asked if she was aware of the FoxCares Group. Mr. Feldman stated that they will reach out to her. Ms. Vital stated that she did reach out to Sergeant Noonan and she hasn't heard back from him. She sent it through the town website with a message for him to contact her about TIPS certification and she just wanted to introduce herself to him.

Mr. Feldman stated that FoxCares is a group of liquor license holders that formed this group for responsible service and they meet on a quarterly basis and they share best practices and they bring in speakers from the ABCC. Chief O'Leary is a regular attendee and they talk about best practices and some of the pitfalls they come across whether it be fake ids or serving to minors; things to watch out for and things not to watch out for and they collect dues. They actually do their own self compliance checks; they bring someone in from the outside and go around to the different establishments that are members and they share the results internally; they don't want to make those public, which is understandable but it is just all for their internal use and to try and be responsible with their service. It is a really good group and he strongly recommends it.

Mr. Keegan stated that everything is in order.

Motion by Christopher Mitchell that they approve Tamara Vital as the Bar Manager for the VFW. Seconded by John Gray. **Vote 5-0-0**

7:35pm – Comprehensive Permit/Domain Mitigation, Barnett Ovrut, Zoning Board of Appeals, Chairman, William Casbarra, Building Commissioner

Mr. DeVellis stated that he wanted to give some background information. He apologized because there was nothing in the packet. There was information provided but it is a little lengthy for the Board to read right before the meeting. What typically people have been calling the 40B there was an affordable housing development under Mass Laws that was proposed off Fisher Street behind the 99. It went through that process primarily with the Zoning Board of Appeals. A 40B application bypasses a lot of the local permitting regulatory 30 in town so during the Zoning Board process they have the ability to approve it, disapprove it or approve it with conditions. They approved it with conditions and subsequent to that it was appealed and the appeal was dropped and now they are moving forward. Part of the Zoning Board approval and if you look at the conditions, there are two conditions that bring the Board of Selectmen into a little

bit of authority on this. One condition is a monetary condition that will be provided to the town through the Board of Selectmen to be held in a fund should they vote for it.

The second condition is consideration for roadway improvements coming down Fisher Street for a right-turning lane and the option is to either approve the steps of designing, permitting and building it or accepting the money and working in that direction. Mr. DeVellis sat with Mr. Keegan, Town Manager, Mr. Casbarra the Building Inspector and they had a telephone conference call with Mr. Ovrut who was the authority at the Zoning Board. Mr. DeVellis asked Mr. Ovrut and Mr. Casbarra to come to the table to explain the background of this and give the Board some insight.

Mr. DeVellis also reached out to the neighbors through one of the members that he knew and told him about this hearing and invited them to the meeting. This is not a public hearing but wants to open it, hear it, discuss it and then open it up to any of the neighbors if they have any additional insight or consideration that they would think about before they make their decision.

Mr. Ovrut stated that he is currently the Chairman of the Board of Appeals and at the time of the permit consideration he was not the Chairman but he was a member throughout the entire process. Mr. Casbarra introduced himself as the Building Commissioner.

Mr. Ovrut stated in approving the 40B comprehensive permit they imposed a number of conditions; two of them required Board of Selectmen attention and ultimately action. One of them is for the payment of \$150,000 to the Town of Foxborough and that amount is to go into a mitigation fund and it is to be used for whatever purpose the Board of Selectmen determines. It is their discretion. There is no time limit when as to when that money has to be used and again there are no limits or restrictions or requirements relative to the use. The only requirement is that the Hanover Limited Partnership; the developer, has to make that payment before the time of the first building permit having been issued. He understands from Mr. Casbarra that it is more than likely that building permit will be issued next month. At some point in time between now and when that building permit is issued the Hanover Company has to pay the town \$150,000. There is no vote that needs to be taken on that it is just a determination that the Board has to make as to whether they want the money now or they want to wait. Mr. Ovrut's recommendation would be that it is better in the town's pocket than Hanover's pocket so there is no reason not to require that payment at this point in time.

Mr. DeVellis stated that if he understands it correctly the requirement is they have to make that payment before the first permit is issued and if the Board of Selectmen don't act on it (say in three months) they can't get a permit until that is issued or they can get a permit and the Board of Selectmen didn't vote on it so they lose the money. Mr. Gray stated that he thinks they just need to vote to accept it. Mr. Casbarra stated correct. Mr. Gray stated that you don't have to have a use for it. Mr. Gray stated that if the Board voted to accept it then the building permit will move forward. Mr. Casbarra stated that they have already had a preconstruction meeting with the design and contractors and he has plans and they are going through the plan review process now. He is expecting an application within the next two weeks to construct. Mr. Casbarra has 30 days to approve or deny that permit so it is forthcoming. They are looking to start clearing in March so sometime within the next four weeks prior to him issuing it; they will be submitting that first

\$150,000 to the town. Mr. Mitchell stated that they are just going to automatically submit that and the Board doesn't have to request that in which Mr. Casbarra stated correct. Mr. Mitchell stated that the Board doesn't have to vote on anything to do with that in which Mr. Casbarra stated correct.

Mr. Ovrut already mentioned to counsel for the developer to remind him of the obligation and he believes Mr. Casbarra was contacted by the developer in that regard but there is no reason to wait until a building permit is issued; we mine as well have the money now. There isn't any requirement that a decision be made as to what the Board says the money should be for. Mr. Mitchell asked if they have ever had anything like this before (lump sum for mitigation). Mr. Casbarra stated that the Hanover Group with the Lodge at Foxborough when that 40B development was constructed they also had mitigation funds but they were earmarked for specific items where this one at the suggestion of the town manager was to be put into a lump sum for consideration and use by the Board of Selectmen which he thinks was a better way of handling it than it was with the original Foxborough Lodge because they came back several times before the Board to modify that decision because money was moved around to different uses.

Mr. Mitchell asked Mr. Keegan's thoughts on the amount in which Mr. Keegan stated that the purpose of putting it into a fund is that it would identify a process as to how those funds should be appropriated and used for certain purposes as opposed to just submitting to the ZBA for consideration into the permit. The problem is that once you put it into the permit then you have to hold a hearing to change the permit if it goes for something else. This way if the money goes to the Board, it stays with the Board and whatever process they determine how they want to use that money rests with them or the subcommittee that is in charge of that. It doesn't complicate the ZBA permit; it keeps it a separate process.

Mr. DeVellis wanted to read everyone the paragraph that was stamped by the Town Clerk under Section I and the mitigation I.2. "The applicant shall make a mitigation payment to the Town of Foxborough in the amount of \$150,000 prior to the issuance of the first building permit for the project. Such amount shall be held by the town in a mitigation fund with a specific purpose for use of such amount to be determined by the Foxborough Board of Selectmen." There is nowhere in there that says the Board has to vote; the onus is on the applicant to get that in before they can get their permit.

Mr. Ovrut stated that the second one is a little bit more complicated as far as what is required. The Board of Selectmen has an option. The Board of Selectmen can either require the developer to design a right-hand turn only lane on Fisher Street as it approaches Route 140. The developer then would be required to go to the MassDOT to seek its approval. If the MassDOT approves the project and approves the design the developer is required to construct the right-hand turn only lane. If MassDOT does not approve it or does not act within one year then payment is to be made to the town in the amount of \$150,000 less the cost of the design and whatever out of the pocket expenditures the developer has in going to MassDOT. Alternatively the Board can decide that the developer is to pay the town \$150,000 and that amount is to be used for roadway improvements and safety. The decision has to be made before the issuance of the first building permit. Mr. DeVellis asked if it had to be carried out before the last occupancy permit in which

Mr. Ovrut stated correct. Mr. Mitchell stated that the \$150,000 if they didn't make them do the right-hand lane does it go to the town and it is on the town to do it? Mr. Ovrut stated roadway improvements and safety. Mr. Mitchell asked if they had a scope of ideas of roadwork improvements and safety that they would do. Mr. Keegan stated not at this juncture no.

Mr. DeVellis stated that he asked Mr. Casbarra to bring a site plan to look at the general area. Mr. Gray stated that the idea of a right-turn only lane, where did that originate. Mr. Ovrut stated in discussions during the hearings. Mr. Gray asked if that was something that the neighborhood wanted (some people in the audience shook their heads no).

Mr. Ovrut stated if you had a left-hand turn lane you would have the same issue and it still would have to go to MassDOT and it would probably be more difficult to get approval for that than a right-hand turn lane. He also thinks if you had a right-hand turn lane it would convince most people who are going left to use that left lane and obviously not be in the right-hand turn lane; you would be directing traffic. Mr. Gray asked if that would be a right-hand turn lane that would stack and wait for the light or would it avoid the light. Mr. Ovrut stated it wouldn't avoid the light. Mr. Casbarra stated that it would be a cuing light.

Mr. Mitchell stated where Fisher Street abuts Route 140 anything they do from Route 140 up a certain way is totally under MassDOT jurisdiction. Mr. Casbarra stated since it is a state highway they would need an access permit from MassDOT.

Mr. Casbarra showed the Board a map of the area/businesses.

Mr. Casbarra stated what you would consider is you would put a right-hand cuing lane back about 100 feet and that would allow any cars that are going to back up from this to go into that lane and make a right-hand turn only.

Mr. Mitchell stated just to clarify things if all the neighbors are shaking their heads no they don't want it, how did that right-hand lane come up again; who is saying that they want it. Mr. Keegan stated it came up during discussions with the traffic consultants. Mr. Gray asked if this was part of a traffic study. Mr. Casbarra stated that in the Board's packet they will see a study that was done by the Hanover Company's traffic consultant Vanasse & Associates, Inc., and they looked at all the different options out there and one was would a right-hand turn alleviate the traffic that is anticipated during peak hours (morning and afternoon). The Zoning Board's traffic consultant Ron Mueller & Associates determined that it probably would not if the light there was timed properly because there wasn't that significant amount of traffic that would be going down Fisher Street; that information is in the Board's packet to look at. Mr. Casbarra stated there is no decision tonight just an explanation of what these mitigation conditions are.

Mr. Mitchell asked what the earliest possible scenario to issue a permit for this was. Mr. Casbarra stated they are doing a plan review now; they haven't applied yet but he does expect them to within the next couple of weeks. He is thinking probably mid-March.

Mr. DeVellis stated that there is a lot of information with the traffic reports and he does want to hear from the neighbors. It is not a decision that they can make at the table tonight. Mr.

DeVellis hadn't looked at what was given tonight but it was probably the mitigation language and any plans and the traffic study by Vanasse and also by the town's traffic consultant.

Ms. Coppola asked if the pages the Board had were based on the ZBA decision in which Mr. Ovrut stated yes. Ms. Coppola stated that their complete decision is part of the mitigation but she downloaded it today and pages 17-20 are part of the mitigation and this only shows 17 and 19 and there are other mitigation things such as sidewalks, school bus shelters, etc., so it would be a good idea if the Board downloaded the complete ZBA decision as there is other mitigation involved. Mr. Ovrut stated that there is basically three plus pages of the mitigation requirements. Ms. Coppola wanted to make sure their decision stood in spite of the lawsuit and their decision as written and as posted still stands. Mr. Ovrut stated yes and he didn't know what the terms of the settlement were but they did not impact the town; they have not been requested to review anything or in any fashion to modify the decision. Mr. DeVellis stated that it was a private settlement between the abutters and the developer. Mr. Casbarra stated that the bus stop and the sidewalks, that is mitigation that will be done by the developer. Ms. Coppola stated yes, that was in the decision and they talked about people got property and it is worth looking at just to see the whole picture. Mr. Keegan stated that the Board is only seeing those two pages because those two pages are the only action that is before the Board tonight. The Board could accept the \$150,000 general mitigation payment tonight to be held. There is no further action to be taken other than to create at a subsequent meeting a process as to how they want to accept that.

Mr. DeVellis stated that there is nothing in there that states they have to and would prefer that they vote on it when the applicant provides the money to the town and based on this, then the town will send it to the Board and they will have it as an action item. Mr. Mitchell stated that he would rather do it that way also. Mr. DeVellis stated on the second one they need more information.

Mr. Ovrut stated that there was one other obligation that the developer is required to do which is to develop an optimal signal timing mechanism for the Route 140/Fisher Street interchange so that would address some of the concerns that were addressed by the traffic consultants. Ms. Coppola asked if it didn't also state that not only the Route 140 interchange but also Foxborough Blvd. further down in which Mr. Ovrut stated no. Mr. Gray stated the one on Forbes Blvd., in which Ms. Coppola stated yes. Mr. DeVellis stated that they probably looked at that in the area when they were doing the traffic study and took that into consideration. Mr. Casbarra stated that development was not in front of the town when it was going through the process so that wasn't taken into consideration.

Mr. DeVellis stated that he reached out to one gentleman that was inquiring back and forth through this process so he let him know today that this was on the agenda and he sees some people from the neighborhood and stated they are welcome to add any comments that they have for the Board.

Mr. Ari Weinstein, 112 South High Street. Mr. Weinstein stated there are a couple of things as neighbors that they are concerned about that they want to address here. The first would be that at no point has anyone in the neighborhood been interested in a right-turn only lane for Fisher Street onto Route 140; that was something that was never asked for by anyone in the

neighborhood; that was something that either the ZBA conjured up on their own or one of the traffic studies conjured up on their own. What they did ask for and what they were under the impression was something that was going to be worked on was two left-hand lanes turning from Fisher Street onto Route 140. Mr. Weinstein showed the Board on the map what he was referring to. He stated that 98% of the traffic goes left. Mr. Gray stated they would still have two lanes in which Mr. Weinstein stated yes, they would still have two lanes but one would be a dedicated left-hand lane only and the other would be left or right. Mr. DeVellis stated that in effect they could have two cars coming down Fisher Street and both taking a left at the same time. Mr. Weinstein stated correct just like at Forbes Blvd (identical to that). Mr. Weinstein stated that there is no cross street there so it doesn't go across over to Foxborough Blvd.

Mr. Weinstein stated that the other thing that they wanted to raise their concerns about is that he has driven by Sharon Commons a million times since they pulled all the trees out and then didn't build anything there. They would like to make sure that everything was squared away ahead of time with the traffic and all that before they start ripping trees out. All that traffic stuff should be addressed and solved prior to them starting to rip anything out there.

John MacDonald 4 Roberts Streets – Mr. MacDonald stated that in addition to the two left-hand turn lanes and the neighborhood wanting the right-hand turn it was their understanding throughout the process that the mitigation funds that were to be set aside; this \$150,000 would be used as part of the mitigation for this area and for the impact it would have on the town. They were led to believe that was in fact the case. Mr. Keegan stated he wasn't sure where they got that information but that has never been the case. Mr. MacDonald stated that he attended every meeting and he would say that they were given that impression. Mr. Weinstein stated that he wasn't sure which \$150,000 they were talking about. Mr. MacDonald stated the \$150,000 that was set aside for the town for the Board of Selectmen's discretion Mr. Weinstein stated that is separate from the \$150,000 they are talking about for the traffic specifically. Mr. Weinstein stated that it was their understanding that the Board of Selectmen would use that for mitigation directly impacting the neighborhood. Mr. Keegan stated that he was under the impression that the \$150,000 was supposed to be spent for the turn however he wasn't clear on the second part whether it would be spent specifically on neighborhood improvements. Mr. Keegan stated that there are two \$150,000 amounts; one is a discretionary amount and the other is \$150,000 for the traffic. Mr. Weinstein stated their impression was that the discretionary amount (first one) would be spent on direct mitigation in the neighborhood. Mr. Gray stated that was his understanding as well. Mr. Feldman stated that there is no mitigation. Mr. Keegan stated that he knows the mitigation was town wide. Mr. Gray stated that he knows it could potentially be town wide but his understanding was that if there were some things that were not foreseen in this development. Mr. Keegan stated he wanted to be clear about this that there was no process as to where that money would be spent and there still isn't. There may be at some point if there was a very compelling reason to do something in that neighborhood that is more compelling than perhaps other requests that are being made, then that decision could be made. Mr. Gray stated that is why it was coming to the Board of Selectmen to judge it. Ms. Coppola stated that Mr. MacDonald was talking about the mitigation items that she mentioned that are not in their copies in which Mr. DeVellis stated that is to be borne by the developer. Ms. Coppola stated exactly but that was still mitigation meaning sidewalks, maintain the fence and do the shelter for the school bus stop; Mr. MacDonald stated that is correct. Mr. Gray stated that doesn't come out of

the \$150,000. Ms. Coppola stated she knew that but there were other mitigations listed so her question to Mr. MacDonald was what was his idea of mitigation that he would like to see come out of the \$150,000. Mr. Weinstein stated that hadn't been decided yet. Ms. Coppola stated that there is other mitigation such as sidewalks, etc. They are not just getting two \$150,000 checks; there is other mitigation that is going on that is included in the decision and that is why she suggested that the Board of Selectmen download that so they will see it.

Mr. Mitchell stated that his thought would be the first \$150,000 should be set aside for something that may or may not happen there; unforeseen for a certain amount of time and five years from now if everything is great. Mr. Feldman stated that there should be a neighborhood contingency fund. Mr. Mitchell stated that was his thought of how it all originated; you don't know what is going to happen. Mr. Gray stated that it is really hard to know what the full impact is going to be on the neighborhood; it is impossible.

Mr. MacDonald stated that the reasoning behind the 2 left-hand turn lanes is because the Hanover traffic study estimated that 80-95% of the traffic would turn left and conservatively they estimated when you download that traffic study you will see 1,500 car trips per day and with 95% of those taking left-hand turns they didn't want to see the cue come up to their entry/exit way so they don't know what it is going to look like and that is why they were hoping that the Board of Selectmen in their wisdom would hold back that and say okay let's see what happens and then make a determination about what mitigation they couldn't foresee would be necessary.

Daniel Miller, 3 Roberts St. – Mr. Miller stated building on that same point and the ones that were just mentioned, he thinks the first \$150,000 should be set aside and they were under the impression that the mitigation is for Domain Foxborough so those funds would be supplied for Domain Foxborough. Yes, they are bringing in sidewalks and other things that may or may not benefit the neighborhood and they may or may not actually come to pass in that. They don't know what is going to happen when that goes in; what will be needed (more trees or anything else) so they would just like to see those funds set aside and locked in to be just for that for a set period of time whether it be 3-7 years so they can actually see what the effect of that is and how it will affect their neighborhood.

Mr. DeVellis stated that in his experience, he has done a lot of 40B's and he needs to go back and look at the Zoning Board minutes and talk to some people that were at those meetings but they have been in projects where 100% of the mitigation goes towards that development that is in front of the town or it may go towards fire apparatus to support it, or it may go towards schools because there are kids there or it may go towards the town departments to support the building staff on their inspections so it could be a whole bunch of different things. He didn't want to decide at the meeting tonight but he thinks over the next couple of weeks if the Board wanted to look at the meeting minutes and talk to the people and neighbors, if the Board puts this on the next agenda sometime in March hopefully they can come to a conclusion and not hold up the building permit. If it takes a little bit longer so be it but he doesn't want to vote on a motion from two people that spoke without understanding the whole thing. Mr. Gray asked how that would hold up the building permit. Mr. Casbarra stated he expects with the application there would be a building permit fee which will be very substantial along with the first \$150,000 check to the Town of Foxborough.

Mr. DeVellis read the following: “Prior to the issuance of a building permit for the project, the Foxborough Board of Selectmen shall notify the applicant whether the applicant can:

1. Pursue the design and construction of an approximately 100’ long right-turn lane only at an anticipated cost of approximately \$150,000 or;
2. Make a mitigation payment to the town in the amount of \$150,000.”

Mr. DeVellis stated that it went on to talk about the checks and balances; design, etc. Mr. Gray stated that it sounds like an either or. Mr. DeVellis stated that his point is that they can’t get a building permit until the Board notifies them of which option so if it takes the Board three months it will be held up for three months.

Mr. Casbarra stated that he was at all of the Zoning Board hearings as well for over six months and he was clear on what those two payments were for; the first one was to the town in which the Board of Selectmen could use that money at their discretion and it was for any impacts town wide.

Mr. Casbarra stated that the second payment was for impacts directly surrounding and in particular Fisher Street. Mr. Casbarra stated that they don’t know what the terms of the settlement were and where monies went for that and there was additional mitigation that they don’t know about. Ms. Coppola asked if the terms of the settlement are sealed in which Mr. Casbarra stated that he didn’t know.

Ms. Coppola asked Mr. Casbarra to explain the right lane again; right now Fisher Street is two ways and asked if this \$150,000 would put an additional lane in which Mr. Casbarra stated yes, about 100’. Ms. Coppola stated that essentially wouldn’t that mean you would have two lanes to go left. Mr. DeVellis stated that right now you go to the signal and you either take a left or a right and what this is, is they are going to provide an additional lane on the right where you would come down and go to the right and then take a right-turn while that car is waiting at the signal to take a left.

Mr. Casbarra stated for the second payment of \$150,000 if the Board decided not to direct the Hanover Group to proceed with the design and implementation then the town will receive \$150,000 at which point it will go towards any traffic impacts that will be created from this project. Mr. DeVellis stated that if the Board goes in that direction they could vote to accept the money and then not do something with it right away until it is built and until it is up and running and then they can see what the impacts are (they aren’t imagined anymore, they are actual impacts).

Mr. Ovrut stated that from his own perspective he looks at a 40B proposal as affecting the town as a whole not just the area in which that development is going so accordingly when he sat and deliberated and considered mitigation conditions in his mind because the town was also being impacted it would be appropriate for the Board of Selectmen to have discretion with that \$150,000 that is to go into a mitigation fund. Secondly, and he can’t necessarily say that this

would be agreeable to the developer but if the Board felt that they needed a reasonable amount of time to make a decision as far as the traffic design versus the other \$150,000 they could certainly request that of the developer. He can't say that 6-9 months they would say is good but he would think that a 2-3 month extension would be agreeable. Mr. DeVellis asked if this would still be holding off on their permit in which Mr. Ovrut stated no, not their permit. Mr. Feldman stated that the permit fees will be a lot more than the \$150,000 and it would behoove the Board to not delay the issuance of the permit but still maintain control over the \$150,000. Mr. Ovrut stated that he was not suggesting that they delay the permit but to delay the time in which the town needs to make a decision.

Mr. Mitchell asked where the number of \$150,000 came from in which Mr. Keegan stated that was an offer that they made. Mr. Mitchell asked if that figure was actual as he thought it would cost more to put in a right-hand turn. Mr. Keegan stated that to put in a right-hand turn, they estimated that based upon construction estimates and design estimates initially just to do the right-hand turn. You are not actually changing the signal at that point; if you buy a signal then it is much more substantial. If you put a left-hand turn in, that will be much more than \$250,000 because you have to change the signalization and everything else that goes with it.

Ms. Coppola stated that there was a legal settlement with the dismissal of the case and she asked if it were sealed and he had stated no. Mr. Casbarra stated that he doesn't know if it is sealed. Ms. Coppola asked if anyone knew what the settlement was. Mr. DeVellis stated that this is a settlement between two private parties. Ms. Coppola asked if there was mitigation involved. Mr. Ovrut stated that he doesn't know the terms of the settlement but there was nothing that the Board of Appeals was required to do with respect to the permit that they granted. Mr. DeVellis stated that the Board needs to look at this at face value of what the approval and requirements are from the town's perspective; it may overlap if the Board looks at that and said they were going to take the money and build a covered bus stop and the Board all agreed and then the neighbors come back and state that they were going to do that in a private settlement so he can see it overlapping later on. Mr. DeVellis stated that these are public discussions so he hopes that if they go in a direction that is going to conflict to what the private settlement is they will find out before it is too late. They can bring that information forward but to ask them at a public meeting puts them in an awkward position.

Mr. Miller stated on one of the comments that was made during the meeting, the first \$150,000 was going to the Board of Selectmen because this project would affect the whole town and in some ways it will affect the whole town but really the effects of this project are going to be isolated to the area on the map. The neighbors will deal with most of the effects of this project and the rest of the town will not other than students coming in but taxes on the property will pay for that. The mitigation under his assumption would be that they would mitigate everything that their area on the map would be affected; and his opinion is that the rest of the town does not get affected by that as much. Down the road it may be great to have that extra money set aside and use it all for that area but he doesn't want to see any of that money go away until they know that their area is done.

Mr. DeVellis stated if it was okay with the Board to table this discussion for a meeting or so and reach out and get whatever information they need. Mr. Keegan stated that the first meeting in

March they have a full agenda that day so he suggested the March 22, 2016 meeting. Mr. DeVellis stated that if Mr. Ovrut has correspondence with the applicant he should let them know that the Board is pursuing it and they don't want to hold up the building permit but if they can't get this done by the building permit if there is consideration to extend it another month or so.

8:11pm – Annual Town Warrant – William G. Keegan, Jr.

Mr. DeVellis stated that the Board has a list of Annual Town Warrant articles which is an Excel spreadsheet with the Annual Town Warrant title, sponsor and a date. Mr. DeVellis stated that right now there is a potential 20 warrant articles in May and 21 with a penciled one in for the Municipal Aggregation.

1. Annual Town Elections
2. Annual Town Reports
3. Reports of Committees
4. Operating Budget
5. CIP Budget
6. Personnel Bylaw - The Personnel Wage Board has been working on a revised bylaw that will be presented at that meeting. Ms. Bernard has been working with them for the 6-7 months and the Board will see that in a form that they can present at that meeting.
7. Fire Contract – They hope this contract will be completed by then.
8. Dispatcher Contract they hope to be done.
9. DPW Contract – They are working on DPW presently and they haven't had much conversation on fire yet so they are not sure if fire will be in for that meeting and if that is the case, that will be dealt with in the fall.
10. FY16 Operating Budget Adjustments. They are adjustments in the current fiscal year which require changes due to operational requirements and unforeseen changes in the operating costs throughout the year.
11. FY16 Capital Budget Adjustments – This would be the same thing and they will make adjustments on that.
12. Unpaid Bills for Prior Years. If they have a bill that comes in after the fiscal year closes it requires them to put this on the warrant for consideration.
13. Department Revolving Funds Authorization. That is an annual requirement by statute to authorization those revolving funds throughout the town.

14. Fund to Qualify OPEB Trust – That is a contribution into the OPEB Trust which they do every year.
15. Spend Highway Funds – That is to spend Chapter 90 money as well as funds that the town gets from the meals tax to provide for improvements to the roads.
16. Stabilization Fund for Southeastern Regional School – This was something that they requested a year ago and they took action so he is not sure if action needs to be taken on this or not. Ms. Coppola asked if this was the one that the town says they can do the stabilization; the Board already did that. It was dropped from The Board’s meeting because they said they didn’t need to vote on it. Mr. Gray stated that the stabilization fund was carved from their operating budget. Ms. Coppola stated that it just gives them permission to do a stabilization and it isn’t going to cost the town any money. Mr. Gray stated that the town is not funding this. Ms. Coppola stated that the Board didn’t vote on it because it was pulled the last time because they were told they didn’t have to vote on it.
17. Liquor License Regulations – There are a new set of regulations that a group has been working on to try and come up with. Mr. Gray asked if the Economic Development Group was going to make a suggestion and presentation. Mr. Keegan stated that is separate and that the liquor license regulations was not the Economic Development Committee; that was a separate group. Ms. Coppola asked if that was the one that they were tweaking in which Mr. Keegan stated yes. Ms. Coppola asked why it had to go before town meeting because it didn’t have to go before town meeting before. Mr. DeVellis asked if they were looking for additional liquor license requests. Mr. Keegan agreed. Mr. DeVellis stated that he knows the Economic Development Committee is working on it but he doesn’t know if they should be the sponsor; the ones they are asking for now the Selectmen are the sponsor. Ms. Coppola stated that the tweaking of the liquor regulations, Ms. Coppola met with Chief O’Leary, Dave Brown and Lorraine Brue and they tweaked it and it is in the hands of Dave DeLuca right now who is checking the language and then it will returned to them.
18. Abandonment of Liberty Place – That will only go forward if in fact approval is gained on the new town hall project because they need that to construct a new building. Mr. Gray asked about the home owners on Liberty Place. Mr. Keegan stated that none of the road part affects their frontage.
19. Sewer Capacity – This is for anyone requesting sewer capacity and is a typical requirement every year. Ms. Coppola stated the sewer capacity is for people right now outside of the sewer district.
20. Overlay District – That is a zoning issue that the Planning Board has been working on for the downtown area.
21. Aggregation – That is what they discussed earlier.

Mr. Keegan stated that is the list they have right now and people still have until Friday of this week to make requests and everyone is fully aware of that and they have been all notified. Mr. DeVellis asked if the department heads had been notified and Mr. Keegan stated yes and the committees as well. Mr. DeVellis stated that they usually put something in the paper. Mr. Keegan stated for a special they do that. Mr. DeVellis stated that if he was a resident and he wanted to bring forward a town warrant with signatures how would he know that it closes Friday. Mr. Gray stated that the town's bylaws actually say that it does and that it closed on February 15, 2016. Mr. Gray stated that was always an issue with Ad Com where they used to get budgets after February 15th with placeholders for unspecified warrant articles and they said the town's bylaw doesn't provide for that so they said to keep February 15th so Ad Com could have the right amount of time to vet all the warrant articles. Mr. Keegan stated that Monday is a holiday and Friday through Sunday is the 13th, 14th and 15th.

Mr. Keegan asked if the Board had any questions and if there were any other articles anticipated by the Board.

Mr. Gray stated they had a meeting with the Housing Trust before the Board's meeting and a topic came up where they may actually have to change the charge of the Housing Trust because it says any expenditure of funds would have to go to town meeting. They had two consultants in from the state who told them that it really would mechanically work better if there was a check and a balance where the Board of Selectmen could bless the expenditure of funds from that for particular purposes rather than waiting a full cycle for town meeting. Mr. Gray stated that Ms. Duncan may bring this up to Mr. Keegan.

Mr. Keegan stated that they have a department head meeting this week and there is an antenna issue at the Public Safety Building and they have the potential of using that existing antenna for a cell tower but they have to gain authorization from town meeting to do that. Mr. DeVellis asked if it was a private vendor coming in and using it and paying the town money to use it in which Mr. Keegan responded yes; they are going to bid it and see what happens.

Ms. Coppola asked if the Housing Trust talked about extending the deadline in which Mr. Gray stated they did. Mr. Gray stated that would have to be another article as well. Mr. Gray stated with Ms. Wason's passing that whole process got shelved and now they are picking it back up again but realistically there is not enough time; it might be as long as three years and he isn't sure if that is the right number but that was mentioned this evening.

Mr. Keegan asked if there was anything coming forward from the Billboard Advisory Committee in which Mr. DeVellis stated he hadn't heard anything. Ms. Bernard stated that they would find out at Thursday's department meeting.

Mr. DeVellis stated that the only other thing was the potential if they were going to get to a point where they could amend the Kraft Organization proposal based on the Optum discussions they have been having and that's a discussion the Board will have in executive session but he doesn't think that is anywhere close to being resolved or moving forward for May.

Mr. DeVellis stated there is a column on the Excel sheet that they can start to fill those in and maybe at the next meeting after it is closed they will start filling in the “Moving Forward” column. Mr. DeVellis stated that the first five are required by law and #13 – Department Revolving Fund Authorization but the others are still too sketchy to move forward. Ms. Bernard stated that they have draft language already that is going to town counsel to look at.

8:22pm – Town Manager Update – William G. Keegan, Jr.

The Advisory Committee is meeting tomorrow night so they will be meeting with them to have further discussions on the budget. Mr. Keegan presented the Police contract to the Advisory Board but he has more information for them. Ms. Bernard stated that she had told them that they are waiting for the language from legal counsel and hopefully they will have that for tomorrow night. Mr. Keegan stated that there may be additional discussions on other budget issues.

The Community Compact signing is scheduled for 11:30am on February 18, 2016 and the Lieutenant Governor will be there to award the town with their Community Compact agreement and the Town of Easton may join them (which is a Thursday).

Special Town Meeting is February 23, 2016 and the town hall bids will be coming in this Thursday and hopefully they will have a good understanding of those around 2:00pm and they will be opening them at that time and hopefully they will get a good indication of where they are. They will hold a forum with the seniors on February 16, 2016 which is a follow up to what they did late last month/earlier this month which they thought was very productive and it was a pre-town meeting review with the seniors so that they had the opportunity to ask questions about the warrant for any questions that came up and they also talked about the town hall project if they had questions about that. All in all they thought it was very productive and they just wanted to follow up once they have the bids in hand where the project is going. The initial filed sub-bids did come in lower than the original estimate. The original estimate of that cost was about \$2.6M and it came in around \$2.35M with roughly about a \$250,000 savings. They were notified that one of the bidders withdrew this week but the next person in line there was a \$10,000 difference so it wasn't a huge difference in that regard. They are hoping the rest of the bids will come in close in that range and close to that trend and this Thursday afternoon they will have a better understanding of where they are at. Mr. Feldman asked what type of coverage there was, was there a lot of participants. Mr. Keegan responded that there were a lot of participants. With the exception of maybe three categories they had at least 5-6 different bidders for each category.

Mr. DeVellis stated he wanted to talk about the Opioid problem, at the last meeting they had talked about moving forward and Mr. Keegan was going to talk to the department heads. Mr. Keegan stated that they do have a presentation they are going to do at this week's department head meeting on the Opioid issue. Mr. Keegan had a meeting with the Operations Team this past week and they are having a person come in and talk to the entire group this week on this topic and see how they can actually formulate a task force in this area and report back to the Board at the next meeting. Mr. DeVellis was invited on February 22, 2016 to go in front of the School Committee as a follow up from the Board's meeting because they weren't there and the rest of the Board is welcome to come on that day. It is moving in that direction and the department heads were talking about it and kind of organizing a process. Mr. Feldman stated that the

Massachusetts Municipal Association is starting to get on board with the Opioid problem. Mr. Keegan stated that they did send out some information which Mr. Keegan will share with people at the meeting. It is a big issue across the state and the MMA actually identified that as being a very big issue that they all need to get behind at this point and “Call for Action” is what they identified it as.

Mr. DeVellis stated that Mr. Keegan needs to hear from the Board’s perception from the public safety meeting that they had on Monday with the Fire Chief, Police Chief and Public Works and that was one portion of it but what happened years ago and the promises that were made and the expectations fell short a little bit. Mr. Keegan stated that he wanted to say thank you for the work that was done by our crews. Department of Public Works did a terrific job of getting the roads clear and open as best they possibly could under the circumstances. The first storm was a very difficult storm because it was a heavy wet snow and then it got very cold later on and froze in some cases so it was difficult to remove that and they did the best job that they could under the circumstances. We then had a following storm right after that which occurred yesterday which added to that accumulation but fortunately it was a dry snow so it was much easier to clean up and it didn’t seem to stick as much as was originally forecast; it was originally forecast to be around 8”-10” and we ended up getting about 6”. It was a better storm to manage in that regard. Because the original storm was such a difficult heavy, wet snow it did obviously have an impact on power outages and at one point they had about 4,800 households out of power here in the community. It was pointed out to him that Norton and Sharon were 100% out at one point so as bad as we were there were people worse than us but the fact is that some of our outages were longer than anticipated. The total estimated time for outages in the community was around 30 hours in total. Some of those outages lasted a matter of just a few hours and some lasted a good 26-28 hours in some cases. The problem that they ran into and the observations that they had and the efforts that were made to try and coordinate efforts with National Grid on this was that National Grid got caught short of their availability of crews for this storm because the original forecast was to not have this storm hit this far east and north of where it landed. As such, they did not anticipate that level of tree damage and wire damage; they didn’t have the crews. They did subsequently when the storm hit they were able to get ahold of crews. Crews reported here from as far away north as Quebec, Canada and other areas north of our area. They didn’t arrive until Saturday so we were left short with crews for most of the period on Friday into Saturday morning. About twelve of those crews (Quebec crews) were stationed here in town yesterday just in case we had more problems for outages so if yesterday’s storm turned out worse than what it was they were pretty well prepared for that event. As Mr. DeVellis pointed out they were not really as prepared as they could have been or perhaps should have been for the storm that occurred on Friday. As a result our responses were delayed in terms of getting wires back up and services restored in the manner that it was. Mr. Keegan was not here when the promises were made about how service outages would be handled. Generally speaking his experience was that a 30 hour response given the type of storm that we had was not a bad response but it could have been better. There were gaps in where that coverage should have been. There were certain outages that could have been repaired fairly quickly if they had crews in town to address them but they were actually scattered in different places to get power restored as quickly as they could in areas all around us. They didn’t have enough people in town to address the needs of the town at the time.

Mr. DeVellis stated that was one item of where the crews were and why it took so long and the other item was at the end of 2010/2011 it was a wakeup call to the town that there were a lot of limbs hanging that were hanging over lines that were not maintained by our requirements by National Grid. Following those storms you saw a lot of utility trucks going back and forth with a lot of tree clearing and he hasn't seen them in years and what he is hearing from the DPW was the soft pines, those were the limbs that were falling right down and it was not that there were high winds and a tree 30' away fell over and hit the wires, those were limbs over the last couple of years that grew quick because they are soft wood and then they fell. Where has the maintenance been over the last couple of years from National Grid because the town made provisions on their laws on historic roads, that they could go in and go from ground to top and clear it and that is what they started to do. What Mr. DeVellis suggested to Mr. Keegan was rather than tell National Grid how unhappy they were, reach out to National Grid and say please give us a formal report on the status of the two storms (most likely the first one); the response times and the number of crews so they can look at it and then report back either that wasn't the case that they saw; it was sufficient and tie that into the maintenance. Also, a lot of people stated that they had called National Grid and got a recording and it said 9:30 on Saturday night across the board and it didn't change. He heard people went to go to hotels in the middle of the day and paid for it and then the electricity came on an hour later. Speaking to a real person and having that connection; had he not seen that before and gone through all that it probably wouldn't have bother him but that was specific items. Just the whole where are we with this. Mr. Mitchell agreed and stated they should ask for their maintenance records as well when they have been through trimming the trees. Mr. Gray asked if that maintenance effort was supposed to be perpetual or was that a one-time thing. Mr. Keegan stated that it should be perpetual. Mr. Gray stated that they could then give them an update on what they have been doing in recent years and if it is zero then it was a one-time effort. Mr. Feldman stated that they should require a plan from them for the upcoming season from April-October of what is their tree maintenance plan. Mr. Gray stated that he saw that communications was on his mind and the town needed central communications where in the past that particular storm years ago was chaotic; are communications okay. Mr. Keegan stated that what he did was he formulated a funnel of communication so they didn't have multiple people reaching out to National Grid because when you do that it just creates confusion on their end. The Fire Chief actually served as the point of contact because he is the Emergency Management Director so he is the point of contact with National Grid so he left it at that. Mr. Keegan only reached out to National Grid once and that was when they didn't get an immediate response to some of the information that they requested be made which he then got a response once he called. He respected that chain of command throughout the entire process and it seemed to work well. They are going to try and follow that same type of format going forward unless something requires them to change it but he thinks having that central voice of command is a much better approach than having multiple points of contacts with National Grid particularly in a scenario like that. Mr. Gray asked how that flows down to the home owner. Mr. Keegan stated that they recommend that the home owner contact National Grid in this case to let them know. In talking with fire and police; both Chief's indicated that they also prefer to have people call the fire and police station but not on the 911 line only on the business line unless it is a clear emergency where something is on fire or someone has been hurt or something that requires an immediate level of response. Something like a power outage you should call the business line. The reason why that is good is because we have a record locally of that as well. The previous experiences that he has had are they try to

keep them from not calling the dispatch center because it can sometimes clog up the real emergency calls coming in. To the extent that people can call National Grid he would encourage them to do that. Mr. Keegan agrees if they can have a person on the other end answering the calls but sometimes they get so many it automatically goes to a voice mail scenario. If they can have a live person answering the calls it is always better than having an automated response. It said in their automated response that power would be back on by 9:30pm on Saturday and most of our power was restored by 8:00pm on Saturday night (99.9%). Mr. Mitchell stated that he knows of one whole developed that wasn't restored until Sunday morning (the condos off of Cocasset Street). Mr. Mitchell stated that this was Sunday morning and the power went back on about 8:00am. Mr. Gray stated that he had talked to Roger Hill on Friday and he said that it caught them by surprise how heavy the snow was and it was difficult and they were in a race against time to try to get it off the roads before it froze. Mr. Hill had stated to him that he had been out for 17 hours and it was probably one of the heaviest snowstorms.

Mr. Mitchell asked if Mr. Hill had changed his philosophy on plowing sidewalks because he was shocked to find the ones on Sunday at 10:00am all the way down the main streets not plowed. Mr. Keegan stated that they were waiting for it to warm up a little bit because it was so cold that they were waiting to get out after it softened up a little bit to try and get them at that point. They were working for so long around the clock he thinks they just ran out of time. Mr. Mitchell wanted to suggest at least the main street around the common be plowed; those have to be done during the storm. There were several people walking on Main Street because they had no other option and that is a severe safety hazard. It was a day and a half after the storm. He heard rumors from people that they are not doing certain sidewalks anymore only by schools. Mr. Keegan stated that he is not aware of any changes in their process. Mr. Hill told him that they put three sidewalk plows out so they were out the whole time and none of them were damaged so they were all working. Ms. Bernard stated that they encourage people to look at their Facebook page because the town continued to make updates there and Ms. Armando did a great job embedding the link directly to National Grid's Outage Map and how to get in touch with them. Every time Mr. Keegan and Ms. Bernard received an update from Mr. Hill they would communicate a message and put it on Facebook. Mr. DeVellis stated that the website has numbers for Comcast, Verizon, Police and Fire so it is like night and day from years ago.

Mr. DeVellis stated that years ago they used to give Marcy Reed's, President of National Grid cell phone number out to all the angry residents. Mr. DeVellis stated for communication they did a nice job. Mr. Keegan stated that is probably the most critical piece is to let people know that they are listening and that they are paying attention to things and they do get word out pretty quickly. If something is a serious problem the Dispatch people do a great job in getting that word out. The problem is that sometimes (he never knew some people were still out on Sunday morning) if the Board hears something like that feel free to let him know because he can address that. Mr. Mitchell stated that he would have but he got the call at 7:00am Sunday morning and he called back at 8:00am because in the meantime he was going to National Grid's website and doing some research. Mr. DeVellis stated that this was surprising because at the debriefing on Monday he thought police and fire had said everyone was up. Mr. Keegan stated that they said everyone was up with a few exceptions because East Street they had to replace the poles. They never lost power except to replace the poles.

Mr. Keegan stated that some lessons learned again is use the National Grid line to report things and to contact our fire and police business line for that and check out the Facebook page and website for any updates. If the Board has a concern feel free to let him know and he in turn will let the Chief know or they can let the Chief know directly.

Mr. DeVellis asked Mr. Keegan to reach out to National Grid and ask them for a formal report and if it could be dated before their next meeting to have it in the Board's informational packet to see if their understanding is close to National Grid's understanding.

8:45pm – Assistant Town Manager Update – Mary Beth Bernard

Ms. Bernard stated that they are now in the process of finalizing the collective bargaining agreements that the Board approved and meeting with the unions to make sure their understanding of the language is the same as theirs and talk about implementing it. They had a very successful meeting with the Steel Workers last week and it was fun to all be sitting in the same room around the same table and agree. Mr. Keegan stated that there was no animosity. Ms. Bernard stated that they went through point by point that if and when it gets approved and funded at town meeting when they roll it out and implement it there are not any questions or misinterpretations.

They have a lot of things going on in recruitment and hiring right now. They just made two offers to Dispatchers (one full time and one part time) to fill vacancies. They are in the process with Civil Service on all of the paperwork on two promotions for the position of Lieutenant and those are being finalized this week. They made an offer to a Payroll Coordinator to fill a vacancy and she just got a text that person accepted the offer. They did final interviews today to fill the Public Works Supervisor position to fill a retirement. They felt badly that the DPW is a little short staffed but Mr. Hill stated that he felt it was okay during this storm.

They are working with the Personnel Wage Board on the revision of the bylaw. They are going to roll it out to the employees; there are about ten employees impacted by the current bylaw but they are going to announce a meeting and the Personnel Wage Board is going to present to those employees what the Personnel Bylaw is going to look like and then the Personnel Wage Board will present to the Board in late March/early April on the language as well. The Board will have the language well before then as it is pretty much drafted and it is going to go to town counsel in the next week or so.

Ms. Bernard attended the H.U.G.S. meeting on February 3, 2016 and it is a great organization and they have done a lot of great things. She is looking forward to attending a FoxCares meeting on February 24, 2016. She is trying to get out and do some of the community meetings.

Their new Library Director has instituted regular staff meetings. Because of the way the staff works it is hard to get the whole group together so he has instituted quarterly staff meetings where he had a morning and an afternoon session where both people can attend and Ms. Bernard had the pleasure of sitting in. They rolled out their CORI process and all of that. She had a great interaction with them and she has been promised five minutes in all the next meetings to come.

She wanted to commend Mr. Leite on his communication with the staff; they were very pleased to have that meeting.

Mr. Danau asked when exactly were the promises by National Grid formally made to the town in terms of response. Mr. DeVellis stated that it was in November of 2010. Mr. Danau asked where the person lived that didn't get power back until Sunday. Mr. Mitchell stated right off of Cocasset Street. Mr. Danau asked if the Board was overall happy with the how the town employees (police/fire) handled this. Mr. DeVellis stated that he had not received one complaint about the DPW, Fire or Police. Mr. Danau stated then it was squarely on National Grid.

Mr. Keegan stated that he wanted to be clear on the fact that he thinks their public safety and DPW people did a great job. Their concerns of National Grid go towards the response times; getting people back up and running. Mr. DeVellis stated that it was basically the storm was Friday going into Saturday and there were very minimal crews during the brunt of the storm and they responded after.

Motion by Christopher Mitchell to close the Board of Selectmen meeting at 8:50pm. Seconded by John Gray. **Vote 5-0-0**