

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
APRIL 19, 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
Ms. Lynda Walsh, Foxboro Jaycees
Mr. Bob Boette, Conservation Commission
Mr. Jeffrey Ambs, Conservation Commission
Ms. Jess Enos, NPS, LLC
Mr. Myron Ashapa, Stadium Advisory Committee
Chief O'Leary
Mr. Matthew Killelea, Foxborough Country Club
Mr. Lou Carangelo, Foxborough Country Club
Mr. William C. Cochran, Jr., Bar Louie Tavern and Grill
Attorney Joe Devlin, Bar Louie Tavern and Grill
Mr. Jim Civilinski, Route 1 Liquor Mart

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

James DeVellis read the agenda.

7:00pm – Citizen's Input

Ms. Walsh stated the Jaycee members wanted to thank Jim DeVellis. There was a little hiccup with their Spring Fair on the Common on May 14, 2016. She just wanted to say that maybe if they brought things back in time a little bit to have the applications go through the normal channel of approval of all the department heads but then at the end of the day if it could come in front of the Board of Selectmen then there would be five more sets of eyes on it and maybe the question about the flagpole being torn down would have come up. She did bring it to the attention of her board and told them that was when the flagpole was supposed to be going up and she didn't know if that was going to be in the way or not and they should double check with the Selectmen's office to make sure that it is okay. They did do that but they didn't find out until Friday. Back in February they didn't know for sure. All is well and they are still going to have their event on May 14, 2016 so they will just work around the flagpole. It is good publicity for the people that do use the common for different things and it would only take a minute to recognize people that are doing things on the common.

Mr. DeVellis stated on Friday they raised the money for the flagpole and they hired a vendor to come in and do it. Part of that process at last Selectmen's meeting they presented a design for the patio around it (20' circle/40' diameter) and they met out there on Friday with the DPW staff, Ms. Coppola, Mr. Gray, Mr. Mitchell, Mr. DeVellis and Mr. Authelet and they looked at the schedule. Between April 15, 2016 and May 1, 2016 they are removing the patio. Dave Laliberte and his crew removed that area that they are going to replace for the patio. Between May 1, 2016 and May 10, 2016 their contractor is going to come in with a crane start at the top and take down the flagpole, dig out the excavation and put the new flagpole base in but around that it will still be the gravel and that will bring them up to May 10, 2016. May 10, 2016 through May 31, 2016 they are going to replace the patio so they are going to have press concrete with a design on it and Mr. Mitchell had brought up an idea of rather than replacing the planter around it in kind because right now the ropes around it are on the outside and Mr. Johns has a heck of a time stepping on the flowers to get up there; everything is internal so rather than have that wall with the notch in it, they are investing in large outdoor planters which are self-watering. Those are going to go in with the patio between May 10, 2016 to May 31, 2016. On Friday they laid out the entire schedule and the end of the schedule is going to be Memorial Day. Part of that also is reaching out to the entire town for a fifty year time capsule. Rachel Calabrese is leading the committee and they will reach out to all the schools and get ideas for that. On Friday they wondered what was scheduled on the Common. Ms. Coppola took the lead and talked to the Selectmen's office and found out the schedule and they sent out something saying there was an issue here so Tuesday morning is when it hit. As long as everyone knows there is going to be a circle roped off and it will be on a weekend when people are using it and they are going to section it off and there isn't going to be any equipment if people can use the common and stay out of that area. Everyone that was scheduled to use it for the month of May will be able to use it. Ms. Walsh stated they as a Board knew it wouldn't be done by the 14th so they planned where the vendors were going to out along the outside. Ms. Walsh thanked them for doing that and in the future maybe they could look at that again. Mr. DeVellis stated that in the past the Board used to schedule everything and he doesn't know if it was too onerous and they didn't have meetings in between so it was transferred over to the administration to deal with it which is more efficient but it does leave gaps when something like this comes up and double booking type issues and he doesn't know if there is a way to make that schedule a little more available. Mr. Keegan stated what they did was so as to not make it onerous on the applicants running around getting all the signatures, what they are doing now is they take the application in and everyone signs the applications during their staff meetings on Wednesday mornings and they go through it and review them and it gets back to the applicant pretty quickly. Mr. DeVellis stated that he doesn't want to take that away from administration. Ms. Walsh stated that it is still more efficient that way because they don't have to go down to the fire station and to each department so that is fine she just thinks at the end of the day if they could get it on the agenda as an action item. Mr. Mitchell suggested "Upcoming Events". Mr. DeVellis stated that he thinks that would help anyone that is using the common for a plant sale or something gets a little more notoriety at the meeting.

Ms. Walsh stated that it is their Annual 7th Year Spring Fair on May 14, 2016 and it is all vendors. Right now they are up to 63 vendors and climbing and it is not just jewelry, it is

everything. They are expecting bigger and better every year. This is their largest fund raiser for the Jaycees since they don't have the haunted house anymore and is very important to them.

7:05pm – Selectmen's Update

Mr. DeVellis stated that he wanted to talk about an idea going back to the Child Sexual Abuse Awareness Committee, they had a petition warrant article approved so that is under review by the Attorney General, House and Senate. He wanted to give a shout out to Jay Barrows because it has changed a little bit. Mr. DeVellis spoke to the Advisory Committee and the Committee themselves working through this because there was a dual path going on so the good news is that warrant article that they presented that is being reviewed plus the effort they did over in Middleboro had the attention of the House and Senate through the work of Jay Barrows and they are looking at this saying if they approve Foxborough, that is one path; if they take it and change the entire state law that is another path. The good news is that Mr. Barrows put in for a new law that is going to be reviewed by the House and Senate over the next month or so. They are going to reach out to Foxborough to see if they will testify on behalf of Foxborough and then if all goes well, every town and city in the Commonwealth is going to have new standards for child sexual abuse reporting and training. Mr. DeVellis wanted to say thank you to State Representative Jay Barrows and also John Walton who is his assistant who worked on this and it was a phenomenal effort to get it in so quickly.

Mr. DeVellis stated that if you go out to Cocasset River Park there is a building out there and it has been in the news and it was the one pictured with Aaron from Florida that came here. Aaron was the boy back then that was molested by Sheehan. He came out to Foxborough to look at it and they walked around it and over the last year there have been different ideas kicked around for that building. Mr. DeVellis had the idea of renovating it and making a park out of it; some people thought this was a good idea and every victim he spoke to thought it was the worst idea. They talked about making a park out of the gas chambers at the holocaust and it didn't make sense. The idea Mr. DeVellis has is Aaron's parents and cousins made a donation to the Selectmen (which is in their action items) so his thought is to take that donation and buy coffee and donuts for the community and reach out to contractors and there have been some people that have come up already to volunteer some construction equipment, bulldozers, trucks, dumpsters and get that building out of there; the swing sets and the whole thing. It will make a lot of people happy. He reached out to Bob Boette from the Conservation Commission and as the Chairman of Conservation, he has jurisdiction over that area and he thought it was a good idea and he has some thoughts and he is going to bring it back to his board. He reached out to the Recreation Board who has somewhat jurisdiction because it is a park and they thought it was a good idea and they are going to discuss it further. He thought it would be a good step for the Board of Selectmen to bring this forward and rather than ignoring it and just letting it decay, take a stand. The town never really said sorry except for at the Selectmen's table but if they can get the community together, Bill Dudley said he would give a little service at the beginning and just tear it down in a couple of hours and get it out of there and have the victims participate if they want to. That action item for the acceptance of the \$200 is later and if the Board could make that a condition on something like that he thinks it will make a world of difference to Aaron who came out to Foxborough and it wasn't very well attended but in fairness to Foxborough it was an uncomfortable topic to go out and meet and have a public dinner. Mr. DeVellis knows that a lot

of people didn't think they were really invited and it was awkward for them and other than a couple of families it was not well attended. Aaron went back to Florida thinking we didn't really care but he thinks that is the opposite of what this community has said over the last year. It is kind of a redo of something that we can do a little bit better with his donation.

Norfolk County Registry of Deeds will have office hours on Thursday, May 26, 2016; William O'Donnell the Registrar will be there to answer any questions about deeds. This is a free service and it is helpful.

May 7, 2016 is the Annual Household Hazardous Waste Day. Mr. DeVellis stated there is a list of items and asked that this be put on the website. Everything that is accepted and non-accepted is there. It is a free service and you can clean your house of everything that is in the basement and garage. Mr. DeVellis stated that this is at the Highway Garage (go in to the left where the school buses park). Mr. Mitchell stated that they have it very well marked off and Clean Harbors comes in. Mr. DeVellis stated that it is professionals and all documented and logged. Ms. Coppola stated that they need to have an ID showing they are a Foxborough resident.

7:20pm – Recommendation to Appoint Study Committee Members for Regional Dispatch – William G. Keegan, Jr.

Mr. Keegan stated that the four town managers have been meeting on a regular basis and they had their third meeting the other day to talk about the various steps they are taking to get the process started. Every one of the towns has appointed their study committee. The recommendation for the study committee is the Police Chief, Fire Chief and Town Manager participate in this process from each of the four towns and then they solicit information from the communities and dispatchers, etc. What he is looking for is a request from the Board that they appoint the Police Chief, Fire Chief and Mr. Keegan on behalf of the Town of Foxborough to represent them in that regional effort.

Mr. DeVellis stated that the Board had a presentation for the dispatch and then there were some more questions and answers at their last meeting.

Mr. Gray stated that it is a good start.

Mr. Mitchell asked if those will be the only three people that will be on the committee for Foxborough. Mr. Keegan stated yes; what they are trying to do is get all the details figured out on each of the town levels so they can then start putting all the pieces together as to how this will actually work. Mr. Mitchell asked if they anticipate coming back for when it is final and doing another final presentation to the Board in which Mr. Keegan stated yes. Mr. Gray stated that each one of these towns is going to have their representatives and it will get moving pretty quickly. Mr. Keegan stated that there is a lot of different moving pieces to this so they have to get it all assembled and so far the four towns are working very well together. They all have similar concerns so it is a good thing that they are trying to figure out what is the best way to address it.

Mr. DeVellis stated that he got a call today from a resident asking if they could be on the committee and they are not involved in town government or an employee and they called someone in town hall and they told them it was set on those staff. Is there any consideration to have residents that are taxpayers but not in the system. Mr. Keegan stated perhaps later on but right now it is more of a technical discussion. If not, they are certainly going to welcome input from the residents so anyone that wants to send them their comments and concerns they would like to know what those are.

Mr. DeVellis got an E-Mail from a gentleman that had a laundry list of questions. Mr. Gray stated that he sent that E-Mail to Mr. Keegan and unfortunately he didn't copy Mr. Keegan so Mr. Keegan is now copied. Mr. Keegan stated that he will bring that back for consideration. Mr. DeVellis stated that he was not in a position to answer it because he does not know all of the answers.

Mr. Mitchell asked if there was an end time for this. Mr. Keegan stated that he thinks the end time depends with respect to how much information they can pull together and everyone feel comfortable about it. Mr. Keegan stated the other three towns are all pretty much on the same page where they would rather have a slow yes than a fast no and that they make sure that they have all the pieces put together. They have to make sure this makes sense to everyone. It could conceivably save money but it also could cost money on some of the initial steps so they want to make sure all of those pieces are well thought out and well considered.

Mr. Feldman asked if the State has made any commitments as far as funding. Mr. Keegan stated that the State has actually indicated to them that they are supportive of their attempt to try and pull this together. Mr. Feldman asked if they have talked about any dollar amounts. Mr. Keegan stated no but it looks like at least the initial commitment is that they will help fund a significant amount for the construction costs for the new facility. Mr. Feldman asked if they have put any time constraints on that in which Mr. Keegan stated not to his knowledge. They are anxious for them to make a decision because there are other communities looking at it as well and as the old saying goes "the first one in gets the best consideration" so they certainly want to move along as efficiently as they can without missing anything in the process. Ms. Coppola stated that the Town of Mansfield has wanted to dispose of that present building so they are going to need a decision also. Mr. Keegan stated exactly, but they are still 2-3 years away before their building is finished because they have a 2-phase construction process for that because the first part is to build the new DPW facility first and then tear down the old DPW building and then build the new police/fire facility behind it so it will be a campus type approach. It is the perfect time for them to be in the planning stage if they are going to do this. Mr. DeVellis stated that he is one piece to a conglomerate of towns and asked if he was looking for a formal appointment for his staff to do this from the Selectmen. Mr. Keegan stated they have asked all four Boards of Selectmen to make this appointment so they are all fully aware of that this is the process that they are using. Mr. DeVellis asked if they wanted a formal vote tonight or put it on the next agenda once the other towns have said okay as well. Mr. Keegan stated that Foxborough is behind because the other communities have already acted on this so he was hoping it would be done tonight.

Mr. Mitchell stated that he is comfortable with it where it is just a study committee and he doesn't want to slow things down. There is going to be a lot of issues that he foresees going forward so the sooner they can get it going the better.

Motion by Christopher Mitchell to appoint the Police Chief, Fire Chief and Town Manager to the Study Committee to review the Regional Dispatch. Seconded by John Gray. **Vote 5-0-0**

7:25pm – Interview/Vote on New Candidate for Conservation Commission – Jeffrey Ambs

Mr. Boette introduced himself as well as Jeffrey Ambs, the recommended candidate to fill the position of the retired Doug Davis. Mr. Boette stated that the commission members interviewed four of the five candidates who applied for the one open position on the commission. As many candidates applied for the one opening on the Conservation Commission as they have candidates for the Selectmen or the School Committee which made their task very difficult and challenging. One candidate was unable to make it to the meeting as he was ill. They feel that Mr. Ambs is the most qualified candidate at this time and would be an excellent addition to their very talented and dedicated group of volunteers that serve our town. Mr. Boette also wanted to thank the Board for reappointing him for another term as he still has a few goals he wants to accomplish including a memorial for David Risch who was the first Conservation Agent for the town. He was responsible for many acres of conservation land that we all enjoy today. The sale of Spring Street is also high on the agenda.

Mr. Ambs stated that he lives at 68 Carpenter Street and he has been in town for 8-9 years and he has spent many years coaching in town soccer and hockey teams. He has been involved with conservation issues throughout his life. He is a Mechanical Engineer and the work that they do at their facility is they make air pollution monitoring equipment; he is an R&D Manager developing instrumentation for that purpose. He has been spending time around town enjoying the conservation land that we have and he is looking to contribute his time and effort to help further that process.

Mr. Gray stated that Mr. Ambs answered his question; he was going to ask what his interest was in conservation but it is always nice when someone volunteers; it is a lot of time and it is an important job.

Mr. Ambs stated that he was at the meeting that he interviewed at and was at the last meeting so even if he wasn't voted in he wanted to see what was going on and participate.

Mr. Feldman stated as a Mechanical Engineer for the U.S. Bureau of Mines what did he do with them. Mr. Ambs stated that the U.S. Bureau of Mines is an agency that doesn't exist any longer and they were doing diesel emissions vehicle testing and it was all geared towards reducing exposure in underground mines and aboveground mines. That was his first job and following on to that; it has all been that type of work with air pollution monitoring and measurement.

Ms. Coppola stated that Mr. Ambs seems very well qualified and has enthusiasm which is very important.

Mr. DeVellis stated that the Conservation Commission is a unique commission because 90% of the time they are on the defense, pushing back on the buffers and keeping the development at bay but at the same time they are enhancing open space; walking trails and enhancing it so it is a dual role that they have and it is a pretty balanced board right now so he thinks Mr. Ambs will fit in very well.

Mr. DeVellis wanted to thank the other candidates that applied and did not make it to this step. Don't get discouraged and they appreciate the effort for them to come forward.

Motion by Christopher Mitchell to appoint Jeffrey Ambs to the Conservation Commission.
Seconded by John Gray. **Vote 5-0-0**

7:35pm - Town Manager Evaluation – William G. Keegan, Jr.

Mr. DeVellis stated that the Board has received in their packets a self-evaluation, a blank evaluation for them to review, a contract which has the salary and all the requirements and at the same time they also reached out to the public at the last meeting to see if anyone had comments to send them to all of the Board members. Mr. Gray stated that he got a comment today and it was a good one.

Mr. DeVellis stated that this is always an uncomfortable thing and one of the last times he did this, he got a very nasty E-Mail from someone saying how dare you do this to someone in public, would you like your review done in public. Unfortunately it is uncomfortable for Mr. Keegan and the Board to do it in public. Mr. Keegan stated that he will state publicly for anyone that wants to say that, that you don't have to say that; it is part of the process and he has been doing this for a long time. Mr. DeVellis stated that Mr. Keegan has one of the positions that the taxpayers have the right to say good things and bad things and get their voice heard.

Mr. DeVellis stated that Mr. Keegan has a three year contract and they are just wrapping up the two years so this is to evaluate the year that just passed and they always do it before the elections so he has five current Selectmen who worked with him for an entire year. Part of the contract is as he reaches the end of the two years, he is requested to notify the Board on his desire to extend the contract. If they don't hear anything from him and nothing comes from the Board it automatically gets extended so he thought it was good practice to reach out and ask for a letter which Mr. Keegan sent to them but it didn't print out so he will have it to the Board by tomorrow. Mr. Keegan stated that the letter stated that he was very much interested in extending his employment with the town beyond next year. It is a year away but that year actually goes pretty fast once the year starts and it becomes like everything else there are different priorities that take place and it is really important that they don't lose sight of that process. He is very much interested in working for the town, he has really enjoyed his first two years here and he has a lot more to accomplish; they have accomplished a lot in this short time and they are starting to hit their stride on a lot of different issues now and he is really pleased that they have made some good progress and it is a great community so he would like to continue to stay if the Board is so inclined to keep him.

Mr. DeVellis stated that there was a letter that came in today and he checked with this resident to see if he could publicly read it and she said yes and he could use her name.

“Dear Foxborough Selectman,

For the past two years, our community has been fortunate to have a professional administrative team, headed by Bill Keegan. Since his arrival, the trust the community has in town government has increased. Since almost the day of his arrival, I've been in contact with Mr. Keegan with questions and comments. He has always been responsive in a timely fashion, with frank answers. I appreciate that the community can count on him for honest answers. His leadership style is inclusive, open, and professional, and his communication skills are strong.

Foxborough is being served well by Mr. Keegan. It is my hope that this relationship continues for many years to come.

Regards,
Pattiann Malynn
48 Sherman Street”

Mr. DeVellis stated that the first thing they did for his evaluation was there was a set of performance standards and he won't go through his self-evaluation but Mr. Keegan presented that to everyone. The Board had the opportunity to read the evaluation and then provide their own so rather than going over five individual reviews; they put Ms. Bernard in an awkward position and asked her to summarize it to the best of her abilities for her boss and then keep her out of the evaluation.

Mr. DeVellis read the evaluation so people at home would know collectively where they were coming from.

Mr. Keegan stated that the summary is normally the document that gets released and can be given to the public; the actual individual evaluations are not public record so as a result that is the document that would effectively be released. Mr. DeVellis stated at the end of this exercise Mr. Keegan will have the ability to say if his comments were not appropriately addressed in there then they can make revisions and if they are this will be part of his personnel file. No one on the Board has talked to each other on this so they don't know what the individual reviews said so if there is something that is not reflective of what he wants it to say, tonight is the time to do it.

**“Town Manager Evaluation Summary
April 21, 2015 – April 19, 2016**

The following is a summary of Bill Keegan's Performance Evaluation for the past year:

In *Leadership and Effectiveness* Bill was commended for his excellent leadership skills and setting high standards. “Bill, through his leadership style, has clearly gained the confidence of town employees and taxpayers. Given this attribute, he is able to more aptly navigate the waters

of town government and achieve the town's objectives.” He was encouraged to continue working to improve morale and to mentor departments that need assistance.

Bill exceeded expectations in ***Planning and Organizing*** He is credited for his ability to build consensus and head off problems before they arise. “Capital projects, community issues and opportunities are approached by Mr. Keegan with great organizational planning, strategy, and thought.”

Bill received positive feedback for ***Communication/Community Relations*** for anticipating issues, great communication skills and presenting ideas effectively. Although one member felt that communication could be improved by providing additional updates throughout the week; he was also commended “Bill has established himself as a mature trustworthy and credible leader in our town. He has restored confidence in the Town Manager position”

Regarding Mr. Keegan’s ***Problem Solving Innovation Decision Making abilities***, the Board felt he exceeded expectations for making good decisions. He was encouraged to seek the perspective of all Board members when possible. One board member summarized as follows “Thankfully, Bill has a wonderful gift for deflating tensions among competing interests and has been instrumental in bringing disparate factions to the table for productive discussions”

Bill has been credited for his strong ***Budget/Financial Management*** and improving the Town’s bond rating, working effectively with Ad Com and being resourceful. “Bill continues the tradition of sound financial discipline. He has built a very good leadership team which reflects the disposition and expectations of the community.”

With high marks for ***Customer Service/Service Quality*** he received credit for ramped up social media presence and putting the Town and Taxpayers interests first; “Bill is very approachable and completely understands customer service and the need to be transparent”

With regard to ***Personal Professional and Organizational Integrity*** “there is a very high comfort level with Mr. Keegan at the helm” he is commended by all for his professionalism and respectful treatment of staff and residents

Cross-departmental Organizational Management he is commended for being team oriented, seeking input from departments involving all stakeholders in an issue.”

Mr. Keegan stated that the summary is normally the document that is released and the other document is not. Mr. DeVellis stated to the Board that at the end of this exercise if their comments were not addressed they can state this and if it is okay then it will be fine. Tonight is the time to do it.

Accomplishments:

1. The Town Hall Project. And the steps taken to make the present Town Hall comfortable and safe for the employees and presentable to the public.
2. Negotiating Union contracts that are consistent and fair to both the Town and the employees.
3. Town Warrant process that helped the BOS to keep track of Warrant Articles and the AdCom to feel comfortable in scheduling as well as delivering a balanced budget to Town Meeting.
4. Establishment of Economic Development Committee and Strategic Planning Committee.
5. Improved presence on Social Media to keep the Town informed.
6. Treats the volunteer boards and commissions in town with respect and responsiveness.
7. Addressed unexpected situations effectively from businesses and community areas.
8. The Forbes Crossing Project from proposal to passage at Town Meeting for the liquor licenses.
9. Upgrade of policies, procedures, contracts and to restore confidence in the Town Manager form of government.
10. Gained the trust and confidence of Citizens and Employees.
11. Kept infrastructure improvements on the front burner and made them a long term priority.

Stated by the Selectmen for the Coming Year:

1. Continue to build morale throughout all town departments. Maybe look at leadership/team building seminars and or trainings.
2. Continue to update the BOS on current issues.
3. Continue open discussions with the Kraft Group.
4. Meet with Boards and Committees on a regular basis to discuss goals & objectives and pending issues.
5. Seek out areas where technology could positively affect operations and produce a positive and demonstrable ROI for the taxpayer.
6. Focus on town hall construction and planning for move
7. Look for ways to remove costs from operations and look for ways to make town government less expensive to the taxpayer.
8. Continue to mentor department heads and employees to achieve higher levels of professional service delivery.
9. Complete the rollout of community aggregation for fall Town Meeting.
10. Complete RFP for fire station and funeral home
11. Start to formulate a timeline for sewer infrastructure Master Plan and the possible creation of a new sewer district on Route 1.

Overall Comments:

“Mr. Keegan has addressed not only the anticipated items and opportunities within his role as a town manager, but has gone above and beyond to address the unexpected issues that arose”.

“Continue to be user friendly and user friendly by staff and the public. Continue to be as transparent as possible and provide the good stable leadership you have brought to the community”.

Mr. DeVellis stated they will discuss this and this is his performance review and then the last part is the salary review which will be reflective of that.

Mr. DeVellis asked if there were any discussions on this or if there were any items that the Board felt were strong on their review but didn't make it into the review for the final.

Mr. Gray stated that Ms. Bernard had a good compilation. Mr. Mitchell stated that she did a very good job. Mr. Feldman stated that it was a good mix of all the Board members. It was not too difficult; he thinks they were all saying the same things but in different ways. Ms. Bernard stated that the comments were thoughtful and she appreciated the feedback and getting them in on time made it an easy task.

Mr. DeVellis stated that he would like to formally take a motion to put this into the Town Manager's public file with no changes.

Motion by Christopher Mitchell to accept the Town Manager's Evaluation Summary for his review from 4/21/15 – 4/19/16. Seconded by John Gray. **Vote 5-0-0**

Salary Review:

Mr. DeVellis stated the form said “Recommended Salary” and he thinks that was the same form they used for staff and contracts. Some of the Board members put in a number and some didn't and the number that they put in wasn't reflective whether it was a total increase or Cost of Living, step increase or all of the above or none so that item he would like to take everything off the table that they submitted and have that discussion there. Before that he asked Ms. Bernard to give them a summary of where the contracts are and what numbers for the COLA that are out for the general population that work in the town.

Summary of Contract:

Ms. Bernard stated that for this year all the contracts that they settled thus far have been a 2% general COLA increase and that also is reflected in the nonunion management workforce that is still covered by the bylaw. Based upon a satisfactory performance evaluation they will receive a COLA or general increase of 2% and then based on satisfactory performance the equivalent of a 2 ½% step. For this past year that was what was reflected for the nonunion employees and they bargained into most every contract now a performance evaluation document with a step increase based on satisfactory performance in addition to the 2%. Mr. DeVellis stated that 4 ½% total is the contract and noncontract workers in town again in which Ms. Bernard stated yes.

Mr. DeVellis stated that in the past in the private sector they asked the opinion of the person that they reviewed what they think they are worth and they can do that and tell him what they think he is worth.

Mr. Gray stated that when they are discussing the senior management he thinks it is all performance, there is no COLA adjustment; it is either zero or it is something above that. It is good to know where the town is coming in; it is a good reference point. He approached Mr. Keegan's review as, if he was average he would have a number and if he was exemplary and he believes he is and he knows that number. Unfortunately, in the private sector, you don't see raises in the 6%-7% range anymore so they are trying to come up with a number that is appropriate and still rewards Mr. Keegan for his good work and encourages him to continue to do good work but he is not sure 4 ½% is the number.

Mr. Mitchell stated when Ms. Bernard mentioned a step, at what point does a person reach their maximum step and it just turns to COLA. Ms. Bernard stated that they have a variety of compensation plans right now; some have 19 steps and some have 6 or 8 steps. Mr. Mitchell asked if Mr. Keegan was on a step schedule. Ms. Bernard stated that being a contract employee, you can equate the Town Manager's salary to a step but it is really not, he is not covered by the bylaw compensation plan per say. Mr. Mitchell stated typically there is no steps whatsoever in a position such as his in which Ms. Bernard stated that he really doesn't have an end point. Mr. DeVellis stated that there are no steps and no COLA; it is a salary that back two years ago they negotiated.

Mr. Gray stated that two years ago when he and Roger Peloquin negotiated that contract, they were trying to find parity amongst towns our size so they spent a lot of time and it was a good, healthy back and forth discussion and that is how they finally settled on the original number.

Mr. Feldman stated that Mr. Gray's point of 4 ½% would be consistent with what other town employees; exemplary employees would get but he doesn't think that Mr. Keegan should be evaluated based on what other town employees have because of his responsibilities so he would recommend a 5% increase.

Mr. Gray stated that in the world he comes from 2 ½%-3% is a very good this year especially "for profit" companies. Mr. Keegan's salary is appropriate but if you start adding these percentages it gets high quickly so his recommendation (and he thinks this is a good reward) is 3%. Mr. Mitchell asked if he meant 3% total. Mr. Gray stated a 3% multiplier of his present salary. Mr. Mitchell asked if that included the COLA in which Mr. Gray stated on Mr. Keegan's level a COLA doesn't come into the equation.

Mr. DeVellis stated that good leadership and Mr. Keegan clearly from this Board comments showed good leadership and if you look at town managers that come in and they lead by example and they lead by working with people or lead from well above and look down he thinks that part of Mr. Keegan's success is that he can relate to the staff and work well within and not from way above. If the average person is 4 ½% and they are giving 5%, yes it is because he is a manager but he thinks that takes a little bit of the effectiveness away. Last year there was a number and they changed it; they were below what the average was and they brought him up to what

everyone else was getting because at that time they were almost penalizing him because for whatever reason they wanted to bring him lower. Mr. DeVellis stated that 4 ½% is what the staff is getting and he is comfortable with 4% because he thinks it sends a decent message that he is right in there with everyone else and he thinks 4% is above the cost of living and that is what he is comfortable with.

Mr. DeVellis stated that he wanted to get Mr. Keegan's opinion because when you are reviewing someone and they go away angry or if they are happy or whatever but he wanted to get his input before they make their final decision. Mr. Keegan stated that he was very grateful for the positive evaluation and he truly enjoys working with the town and all of them; it has been a great year and the staff has truly been supportive as well and they are just a great bunch and the committees and boards and the community as a whole has been very helpful. He doesn't think he would be comfortable taking 5%; somewhere between the 3%-5% is probably a good place to be in the sense that he is trying to scale back the raises to a degree; they are at 4 ½% this present year and he is looking to get it down to a 4% level which is sustainable over the longer term for the town.

Mr. DeVellis asked about the analysis on what Foxborough can afford with raises and people's salaries, where does this fall with what Mr. Scollins has on his financial plan. Ms. Bernard stated that they looked at the plan in its entirety and Mr. Scollins felt that 4% was sustainable at this time for the entire package (union/non-union). Mr. DeVellis stated that goes hand in hand with the 4 ½% going down to the 4% over the long range plan.

Motion by Christopher Mitchell to approve a 4% raise for William G. Keegan, Jr. Seconded by John Gray. **Vote 5-0-0**

7:55pm – Action Items

Motion by Christopher Mitchell to accept the resignation of Brian Walton effective 4/7/16 from the Audit Committee. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to approve (2) Early Openings starting at 11:00am for Sunday, Mother's Day, May 8, 2016 and Sunday, Father's Day, June 19, 2016 for Tavolino's. Seconded by John Gray. **Vote 5-0-0**

Motion by Christopher Mitchell to approve the Foxborough Against Diabetes Road Race for June 4, 2016 from 10:00am - 11:00am. Seconded by John Gray.

Mr. Mitchell wanted to publicly thank Rich Noonan and his whole team who puts this on and have been doing it for 12-13 years and have raised a lot of money so thank you to the whole Noonan family and everyone that helps.

Vote 5-0-0

Mr. Dunau stated that he thinks the survivors wanting to tear down the building he can definitely empathize with that and the day when we put this all to rest and it gets knocked down and he no

longer has to write about the Bill Sheehan case is something that he will very much enjoy. It is something that he takes great responsibility covering but he really hates doing it in many ways. He will talk to the survivors about it as well, but he would caution knocking down that thing until the case is closed. It is open now for a reason; just today they got in some more information that they are following up on and right now the way he looks at it, is it is a crime scene. Speaking as a Jewish person he is someone who is definitely in favor of leaving the camps open but he has other Jewish friends who want to knock them down. What happens to that building should totally be up to the survivors but he would definitely caution knocking it down until they have the trial (if there is a trial). This is still relatively fresh in many ways so that would be his input and he will present that to the survivors as well. He is a journalist and he doesn't normally put himself into this but again, this is something that they are looking into and he has no sentimental desire to see that terrible building still there but this is still very active and someone is looking into it and investigating it. Mr. DeVellis stated that it is a very interesting point. Putting it in that perspective there probably is some merit to that. He would hate for them to go down a road and then in six months look back and have them say that the town tried to hide something or did something for the wrong reasons. Speaking to the victims themselves, they wanted it gone for the right reasons. Mr. Dunau stated that he thinks the sentiment and desire is 100% pure he is not accusing the Board of doing anything but he thinks there is still physical value to the site and again, it is up to the victims in many ways. Mr. DeVellis stated that having heard that and thought about it a little more, let's take that discussion off the table right now but he still wants to accept the gift and read the letter that was given to them because he thinks that has some merit as well.

Mr. Mitchell asked Mr. Keegan and Mr. Boette to look into securing that place a little better than what it is; he is worried about the liability aspect from the Town of Foxborough so he would just caution into looking at how they can fix the fence and get that as secure as possible because he would hate for someone to get in there and get hurt down there.

Motion by Christopher Mitchell to accept (2) Gift Donations of \$100 each for a total of \$200 from Alan and Sandra Averhart and T. Taylor and Jennifer Joseph to the Child Sexual Abuse Awareness Committee. Seconded by John Gray.

Mr. DeVellis read the letter.

March 24, 2016

“Dear Friends:

Please accept the enclosed donation in honor of our son Aaron A. Averhart, who was a past victim of William Sheehan. Raising awareness to the awful reality of child sexual abuse is a very good thing. They have seen, first-hand, that for the abused person, the emotional consequences last many years, and in fact, never really go away.

Thank you for raising awareness in this area. Hopefully the children of now and of the future will benefit.

Most sincerely,

Alan and Sandra Averhart
North Ft. Meyers, Florida”

Second Donation:

March 25, 2016

“Dear Committee Members:

It is with a heavy heart and also tremendous respect and appreciation that we give this gift in honor of my cousin, Aaron Averhart. We are so thankful for the important work that you are doing and we encourage you to press on. Thank you, we know work of this nature must be difficult and heavy and yet vital. Thank you. Thank you.

May God bring healing and peace.

With appreciation,

Jennifer and Taylor Joseph”

Vote 5-0-0

8:05pm – Trader Joe’s Public Hearing – Transfer of License and Appointment of Manager

Christopher Mitchell read the Public Hearing Notice.

Mr. DeVellis stated that they had a formal request in their packet to continue this until May 3, 2016.

Motion to continue the Public Hearing until May 3, 2016. **Vote 5-0-0**

8:05pm – NPS, LLC Public Hearing (Cont’d) - Application for Beyoncé, Jess Enos, Mike Ashapa

Christopher Mitchell read the public hearing notice to reopen the public hearing.

Ms. Enos stated that she wanted to start by thanking the Board for allowing them to delay this hearing. What had happened was when the event originally was announced back in February and went on sale nationally it performed far better than anyone had anticipated; better than her management group and better than them, so as the dates were selling out quickly they collectively decided rather than to just add additional dates onto existing engagements, to add an entire second leg to her tour so she is going back out after the summer for a fall round of North American dates. Pending the NFL schedule they were hoping that they would have a date sometime around September 30/October 1 that would work within the stadium timeline because

they certainly felt like the demand was there but unfortunately as they probably saw, the NFL schedule came out last week and they were not able to come to an agreement on that weekend so she is before them this evening just asking for the one date of June 3, 2016.

Mr. Ashapa stated that based on that information they have to amend the letter dated March 29, 2016 and the amendment is to read “the second concert date could not be agreed upon and therefore the recommendation is amended to read June 3rd only.”

Ms. Enos stated with that being said she is asking for Friday, June 3, 2016. The event went back on sale in February after the super bowl and sold out incredibly quickly. The highest ticket price was \$310 and they started at \$50. There was an incredible amount of inventory at the \$300 price point and over 8,000 tickets sold instantaneously which speaks to her popularity right now as a performer. Interestingly they had both Beyoncé and Jay-Z in 2014 as part of their On the Run Tour which was a co-headliner and it was surprisingly an easy event for them from a management standpoint. The Chief can speak to it from a public safety standpoint but there were very few incidents and a very well behaved crowd. It has something to do with the fact that these fans are spending a lot of money to come to this event and they are really not coming to buy beer or hot dogs, they are coming to watch the performer and it's a theatrical event for a lot of these patrons so they find the demographics extremely female especially for her now where there isn't the Jay-Z component; it is just Beyoncé so they do anticipate a high number of female patrons. The biggest concern they have right now that they foresee as being a potential issue that they need to manage is their clear bag policy. A lot of these fans may have come in 2014 but may not have been to a Patriots game within the last two years or may not have been to a Gillette Stadium event this year since they have implemented this new policy so it will certainly be on them to have a very rigorous campaign of education for the fans that have purchased tickets doing direct mail pieces to them and E-Mail pieces to them following up with a lot of social media because they find these fans are highly engaged in that just to let fans know from a customer service standpoint they can't bring a bag that they might otherwise be able to bring into a venue into Gillette Stadium any longer because they have this new security procedure in place.

Mr. Gray stated in Chief O'Leary's summary opinion he stated that there were some concerns being voiced about police reaction to political comments made by Beyoncé after the Super Bowl. Chief O'Leary stated it was a reaction to a notice in some of the media that certain police unions took affront at commentary that she had made directly after the show. He had a follow up with Mr. Murphy of the Stadium and they talked with the promoter and he has had no resistance from any of the police groups. One of the agencies was the Tampa Police Department that had made a comment and Beyoncé is doing a work up of what her show will be using the Tampa stadium and they will have Tampa Police Officers performing security duties on this work up process so there is nothing that has been said at any of the places to indicate that public safety would not be provided and he hasn't heard anything from any of the Massachusetts groups that are so upset to do their required duty and make sure that public safety comes first at any of these events.

Mr. Mitchell asked when her actual tour starts. Ms. Enos stated next week. She has been going through the rehearsal process in Tampa and she opens in Miami on Wednesday and she is in Tampa on Friday. There will be a handful of dates underway by the time it arrives here.

Mr. DeVellis stated that one request he was going to make and it was not an applicant issue, it was a town issue. The Board of Health sent an E-Mail stating "I am confirming that the memo from the Stadium Advisory Committee reflects my comments at this time." Mr. DeVellis stated that his preference is like all of the other departments that they put it on their letterhead with a signature that they have reviewed it and they sign off. He doesn't want them to say the Stadium Advisory Committee said its fine. He doesn't know if they are getting lax on that or if it was a timing issue but next week he would like it in their file with a signature from the Board of Health.

Ms. Coppola stated that three of the license conditions she wanted to go over to make sure that they are all set.

5b. The overtime fine provisions is included in their license conditions.

20. All attendees must show tickets upon entry into each parking lot. They can't get in unless they show a ticket. Ms. Enos stated that with respect to any of their parking lot operations they defer to Chief O'Leary so if he feels that parking lots need to be open sooner or later or a ticket inspection needs to be revamped or any part of the process needs to be adjusted, they defer to him. Ms. Coppola stated that is part of the licensing conditions. This was something that came up a few months ago in anticipation of licensing events coming up for the summer and she was always under the impression that they always checked for tickets and you couldn't get into the parking lot until you showed a ticket. Then she was informed that it doesn't happen all the time but she thinks it should happen all the time because there was a good reason for that stipulation to be put in those concerts that they were doing it. Under the license conditions it does say that all attendees must show tickets upon entering each parking lot and it is also reflected in the Stadium Advisory Committee's notes. She thinks the Board should insist that this be followed. Mr. DeVellis asked where this was stated in which Ms. Coppola stated under #20 Reserve Seating and the last line states "All attendees must show tickets upon entering each parking lot". Mr. Feldman asked if this was referring to stadium owned lots or the public lots as well. Ms. Coppola stated that it says each parking lot. Mr. Mitchell stated that it would have to be only stadium lots because they can't put restrictions on other private parking lots. Ms. Coppola stated no, this is part of the license and the satellite parking lots are just satellite lots. This is listed as a license condition so that should be in there and also the Stadium Advisory Committee commented that should be the case also. She was always under the impression that this is what was happening for all the concerts because she used to ask and then after a while she didn't bother asking anymore because she was always told yes it is and then she found out that it was only done for two events. Now she thinks it should be done for all events because that is one of the requirements for the license. It was put in there because they had a real bad problem because people were there without tickets heavily drinking, left and died and that was one of the things that the Selectmen decided that they were going to put a stop to that in order to get into the parking lot you should show your ticket and she was always told that is what was going on.

Mr. DeVellis stated that in #20 it was an exception but it states “only hard copies of state of the art tickets will be issued in an attempt to thwart counterfeiting and all attendees must show tickets upon entry into each parking lot. Do you still issue hard copy tickets that people bring in or are these cell phones now. Ms. Enos stated that they have not transitioned into e-ticking so it is all hard copy tickets. Mr. DeVellis stated that he understands what she is saying that it is up to the public safety officials to tell them to do it, but here it is a written requirement so by not doing it they are in violation of this written requirement that is part of their application. Mr. Ashapa stated that it is the call of the Police Chief. Mr. DeVellis stated that he understands that but it is in the application that it is not the call of the Police Chief. Mr. Ashapa stated that they can’t be held responsible if the Police Chief says not to do it. Chief O’Leary stated that this particular issue was put on the license particularly to the country western show “Chesney Shows” because they were having people coming into the facility without tickets and just enjoying the big party starting with an event that they had in 2007 and as a result for that specific license group they required people to have tickets. They found in 2008 people were copying tickets on machines having printouts they would be able to show to either satellite lots or a stadium lot that would indicate that they had tickets. The stadium upped their game to make sure that they got a specific hard copy cardboard ticket that had to be demonstrated for those shows. If indeed it is in all the licenses now then he will talk to the satellite owners as well as the stadium personnel to make sure that they are doing their due diligence in trying to screen people out that are going specifically just for the party. Mr. DeVellis stated that understanding it is written that they have to require it, in the Chief’s judgment, he has the ability to make them do that and the Stadium understands that they don’t have a choice if the public safety says they have to do it (one they are telling them to do it and two it is in their application). Ms. Enos stated absolutely, there is no record of any pushback on their end with respect to any sort of public safety decisions that are made by either Chief’s. Mr. DeVellis asked Chief O’Leary if at this point this is a requirement that he is going to make them adhere to. Chief O’Leary stated that he will review it with his staff and with the lot owners because it puts more onus on them to make sure that their staff is doing it on a regular basis. Mr. Gray asked if they could give the Chief the ability to override the condition on the license. Mr. DeVellis stated that they can put whatever conditions they want and the Chief is going to override their rules anyway if it is a public safety issue. Chief O’Leary stated that there are going to be times that traffic conditions along the Route 1 corridor are going to require an override to get traffic moving because they are not just limiting traffic to Route 1, Route 95 and Route 495, it has an impact on their local roads and their neighboring communities such as Walpole that if they come to gridlock for any reason they may have to expedite and make changes that aren’t necessarily the letter of the law in a license application. That is something that he will assess but he will remind the lot owners and the stadium personnel that they have to take a hard look at that because they don’t want a party zone created by people just showing up for the event and have no intention of going in there. Ms. Coppola stated also, when you purchase a ticket with parking there is an expectation that your car will have a parking space; she is not saying a reserved parking space but there is an expectation that they are going to be able to get into a parking lot. If you allow everyone in there, you could have 100 cars going in there with no tickets and that is taking up 100 spaces that real ticket holders could be using.

Chief O’Leary stated potentially and that it appears right now, he believes for events that are non-football, most of the events and he believes there are 53,000 sold tickets for the Beyoncé show so they would actually be over capacity for events like this based on the average numbers that come per car and it has an impact because they have the parking lot not just at the stadium but all the satellite lots. They run a much greater risk when they have playoff games depending on the time of day that is because they could lose playoff game spots because of snow removal that eat up spots. If it is within the license he will make sure that all the lot operators do their due diligence.

22. Taxi Access via Putnam Way entrance and a taxi stand holding area will be continued to be utilized for these types of events. Because they have the no standing on North Street for taxis she is glad to see they have access to the stadium. Chief O’Leary stated again, it is something that Matt Piekarski from Stadium Traffic & Parking and he have talked about; they have utilized this for the last two years for the concert season and it seems to have relieved some of the pressure that neighborhoods such as North Street and the surrounding streets have when they give cabs and transport vehicles access into the stadium property.

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

Vote 5-0-0

Motion by Christopher Mitchell to approve the Beyoncé concert for June 3, 2016 at the stadium. Seconded by John Gray. **Vote 5-0-0**

8:26pm – Foxborough Country Club – Change of Manager – Matthew Killelea, Lou Carangelo

John Gray recused himself from this discussion.

Matthew Killelea introduced himself to the Board stating that he was the Club and Business Manager of the Foxborough Country Club. Mr. Lou Carangelo introduced himself as the Acting President of the Foxborough Country Club.

Mr. DeVellis stated that they have a full application that was vetted through Mr. Keegan’s office and asked if there were any outstanding issues in which Mr. Keegan stated no?

Mr. Killelea stated he oversees all of the club house operations bar staff, beverage cart staff, and kitchen. He has been in this position for a little over 14 months. Prior to that he worked as an Assistant Golf Professional and prior to when he was in the golf business he worked in various bars and restaurants for about fifteen years so he has managed bars in Faneuil Hall, Mansfield and all around. He has been in the industry since about 1994 in that capacity. He resides in Mansfield.

Mr. Mitchell asked if they got Mr. Killelea’s birth certificate. Mr. Killelea stated that he brought his birth certificate.

Motion by Christopher Mitchell to approve the Change of Management at Foxborough Country Club to Matthew Killelea. Seconded by David Feldman.

Mr. Feldman asked if Mr. Killelea was aware of the FoxCares Group in which Mr. Killelea stated that he was not. Mr. Feldman is a group of responsible liquor license holders that meet regularly and share best practices and do self-compliance. There is a meeting tomorrow at 2:30pm at Waxy's and he is cordially invited. Mr. Feldman stated that they will have the group reach out to him and give him some information.

Mr. DeVellis stated that this stems from over the years they have amended their local alcohol bylaws (separate from the ABCC) that has a Strike 1-3 policy and they have seen people come in front of the Board that haven't been involved with that and it doesn't sit well when mistakes are made so they encourage him strongly to do that.

Vote 4-0-0

Mr. Gray rejoined the meeting.

8:30pm – Bar Louie – New Officer/Director

Attorney Joe Devlin introduced himself and stated that Bill Cochrane is the Massachusetts Area Director for the two locations and he is also the General Manager at this location; they pulled him from Burger Night. It is a simple application of a Change of Officer/Director to the new LLC Managers who have been with the company for a long time and they control the day to day operations of the 50 Bar Louie's across the country. Mr. DeVellis asked what his main responsibilities are. Mr. Cochrane stated that his main focus is Foxborough and that he is helping with Fenway also.

Mr. Gray stated that the application was for a new Officer/Director and was Mr. Cochrane also the General Manager? Mr. Cochrane stated that he is also the General Manager as well. Attorney Devlin stated they have a Change of Manager request for him pending at the ABCC pending this change being approved for a new Officer and Director. Ms. Coppola asked if they would be coming back to them with a Change of Manager request. Attorney Devlin stated no they have already been before the Board.

Attorney Devlin stated that he owes a Certificate of Good Standing as this one will be expiring. They ordered one and it takes a little bit longer for these bigger businesses to get them than the promised 1-3 days; it takes about 7-10 days because they do combined filings.

Ms. Coppola stated on Exhibit C it said "Suspension/Revocation or cancellations of applicant restaurants" they talk about Sun Capital Partners and the last line said "to the best of its knowledge the company has not had a suspension, revocation or cancellation of a Massachusetts license and wanted to know if BL Restaurants was part of Sun Capital in which Attorney Devlin stated yes. Ms. Coppola asked if Sun Capital didn't realize that Bar Louie got a five day suspended license. Attorney Devlin stated they were talking about the other licenses they have; they have some ownership interests in hundreds of licenses so he thinks they were talking about

other licenses (Smokey Bones, Captain D's) other than that one. They can amend that if the Board of Selectmen would like. Mr. Gray stated that they do call out 47 Bar Louie applications. Ms. Coppola stated she would like it amended to make it clearer. Mr. Feldman stated that they did note in the application about the five day suspension. Ms. Coppola stated that in Exhibit C they stated to the best of their ability they didn't have any suspensions of a Massachusetts license. Attorney Devlin stated that they were talking about other than what was in the retail application. They are investors so it is a big investment equity so they don't have a list of every license that they own (like Smokey Bones) they don't have a set list and he will clarify this.

Motion by Christopher Mitchell to approve the request of Bar Louie's for a new Officer/Director for William Cochrane, Jr. Seconded by John Gray. **Vote 5-0-0**

8:36pm – Annual Town Meeting Warrant Article Recommendations – Close Warrant – William G. Keegan, Jr.

Mr. Keegan stated what they have as of right now is 31 articles for consideration all of which have been before the Advisory Committee for consideration up to this point. The Advisory Committee has taken a position on virtually all of them except for a couple. Unless the Board has specific questions on any of the specific items up to Articles 15, 16 & 17. Article 17 he believes is the one question that they have. There is a question of whether or not that request is going to be altered or not. There was a request made by the Economic Development Committee to reduce that from 3 licenses down to 2 licenses and to remove the All Alcohol Package license that is being requested.

Mr. DeVellis stated that they would keep 15, 16 & 17 on the side for a little bit. Mr. DeVellis asked Mr. Keegan to give a summary; everything that has been to the Advisory Committee pending their vote on some of them but at least once they have been vetted. Mr. Keegan stated yes and they have all been supported. Mr. Keegan stated no recent changes.

Mr. DeVellis asked if there were any questions on anything other than 15, 16 and 17 which are the three nodes for liquor establishments. Mr. Keegan stated to be clear, on 15, 16 and 17 the Advisory Committee has not taken a formal position on any of those three.

Mr. Gray asked if they could hear from representatives of the Economic Development Committee on this.

Ms. Brue stated that basically she was there to explain that since they first put together the three warrant articles they had additional discussions at the Economic Development Committee and received new information from existing package store license holders and a discussion at the Economic Development Committee was such that based on the new information they thought it would make sense to remove that one section from that one article requesting a package store license because of certain economic impacts that had been described to them and there was a general discussion about looking to get some more information and see what these impacts really actually are from both sides. So they thought at this point to not jeopardize the requests for the two restaurant liquor licenses they wanted to pull the package store license off and just go forward with that. They met a few times on this topic at their most recent meeting last week with

the Economic Development Committee and everyone agreed that this is the action that they wanted to recommend. From there they went to the Advisory Committee and have conveyed that to them so they have it under consideration also. They understand that the Board of Selectmen has to approve that change.

Mr. DeVellis stated that there are three nodes: The four restaurants up at Route 1 node is separate and then the three around downtown restaurants are separate and then this node, the Route 140 node, has 2 restaurants so the article came to the Board and what they are asking right now is to take it from 3 (2 restaurants and 1 full) down to 2 restaurants only so they would have to amend the article at this table and then they would move forward after that. Ms. Brue stated correct. Mr. DeVellis stated that any decision that they make on this node could potentially affect the other nodes in which Ms. Brue stated no, they are independent.

Mr. Feldman stated that they received new information that answers a lot of those questions and they have yet to have a chance to meet with the Economic Development Committee and to present that new information to the entire committee he thinks is the right thing to do. Mr. DeVellis asked who was presenting this tonight; is Ms. Brue speaking for one member of the Economic Development Committee but the whole group hasn't met to discuss this. Mr. Feldman stated no, prior to this new information the Economic Development Committee was in support of pulling the all alcohol package store license and they got some new information that answered some of those questions but the Economic Development Committee because of the open meeting law they just can't send out a blast E-Mail, they have to wait until the next meeting so it is a timing issue. Mr. Mitchell stated he thinks Ms. Brue is talking about new information from the past and Mr. Feldman is talking about new information from the present. Ms. Brue stated exactly. Mr. Feldman stated they have information that will answer those questions but they haven't been able to be presented to the Economic Development Committee yet. Mr. DeVellis asked if he was saying if that information was there they may keep it at three in which Mr. Feldman stated they may.

Mr. Mitchell asked what the new original information is that Ms. Brue is talking about. Ms. Brue stated that the new information that they received had to do with the economic impact on the existing liquor license holders. They came to one of their meetings and presented information that they had not considered as they were putting together the original articles so once they heard that they had consensus that they should pull that request. A question came up from one of the members on another topic which just seemed to support the idea that they needed more information so let's pull this one so that they have time to address that. They have the answer now to that new information and so they will discuss that at their meeting which will be next Wednesday but she thinks it is really a timing thing and she can't predict which way they will go. Mr. Feldman stated they don't want to speak for the other members but the question is if they leave it as is, is there an ability to amend it on the floor in light of the Economic Development Committee meeting and trying to vet that information prior to town meeting and actually pulling it out on the floor of town meeting or do you take it out now and defer it, he doesn't know what the right answer is. Mr. DeVellis stated just for clarification when they say leave it as is, last time it was in front of the Selectmen there was 3 and this document has already changed to say 2. Mr. Keegan stated that there are two versions and the version the Board has should reflect this; they took it out precipitously and they should have taken it out before the

Board had actually acted on it so they made a corrected version which the Board should have. Mr. Mitchell stated that the version he has, has it out. Mr. Mitchell asked what their drop dead date is on finalizing the warrant. Mr. Keegan stated that the Board should act on it tonight. Mr. Mitchell stated that it seems like one of the biggest components of the town meeting is a lot of unanswered questions. Mr. Keegan stated that it is just this one article.

Mr. Gray asked Ms. Brue if she could give them some details of their discussion with the current license holders and what their concerns are. Ms. Brue stated that their concerns really are that there are currently 4 package store license holders and they feel that the upgrade of an existing license will impact their business directly. Starting off with the center of town that license holder has just purchased their business and they purchased their business on the basis of what is the market place that they established and the sentiment is that by providing an upgrade to a location within 8/10ths of a mile of them really impacts their ability to hit their targets that they envisioned. The other thing is that the pie is only so big and so not only does it impact them but ultimately it impacts all of the package store holders in town. That upgrade that would go to the package store that doesn't have full ability to sell, that is a brand new license so it would be beer, wine and all alcohol. The existing license that this establishment owns, what happens to that? Ms. Brue stated that becomes free and anyone can apply for that. That further dilutes the market share that these owners have; it is really like a double hit to them in terms of economics. Mr. DeVellis stated by changing it from 3 to 2 they keep all of the existing full service at status quo. Ms. Brue stated yes and that another factor that the Economic Development Committee considered was that when you look at all of the licenses that have been applied for in surrounding towns in the same way they are doing this right now for the restaurant licenses, not one of them applied for an additional package store license. In terms of economic development it is really the restaurants that are one of those tools basically towards economic development. Given that information, the committee thought that they should withdraw this and evaluate it further. Mr. DeVellis stated withdraw 3 down to 2 and get rid of the package store. Ms. Brue stated correct for that node.

Mr. Gray stated that it is interesting because when they began this process he thinks they quickly took a look at what impact it would have on existing license holders and they promised themselves that they would do everything possible not to harm their businesses. At this juncture he thinks it is a good idea to take this out.

Jim Civilinski Route 1 Liquor Mart. Mr. Civilinski thanked the Board for the opportunity to speak and he thinks that Ms. Brue pretty well has given the information via the Economic Development Committee. When this issue first surfaced and it was well intended in that sense when the survey was circulated to all of the liquor license holders they as package store owners. As they viewed the survey there were concerns over the fact only of addressing the package store for alcohol license; that is the only thing they are addressing. What they looked at was that they felt where they are talking about economic development and positive economic development, what they saw in this was possibly pretty much a negative economic development with adding another license. As the Board that controls the licenses they are all well aware that naturally Foxborough like any other town works under the 1 in 5,000 population and by them going above that would certainly have an economic impact on all of them. It would certainly devalue licenses and this now would be going for an additional license up and above that 5,000, plus it would

have economic business effects. One of the issues that was brought up right out of the starting gate was Neil Patel who invested a substantial amount of money in the center of town with the idea of knowing what he thought was in front of him as far as licenses, positioning and his ability to do business, he made that investment in the center of town and wants to be part of the regrowth of the center of town but now he is very concerned over the fact that there would be a new full liquor license going into Hops & Grapes, 8/10ths of a mile from his business which obviously would be a severe impact to him. If this license that was coming forward was within the 5,000 population purview you wouldn't see them there because when Xpress Mart had a beer and wine operation when Foxborough rolled that 15,000 population a new license became available, she applied for it and got it and everyone was happy and satisfied. What they are looking at here is they are going above that population status which is going to hurt that operator in the center of town.

On the second issue and he finds it very difficult because Normandy Farms is probably the best campground in New England and they have done a lot of work with Normandy Farms and the Daniels family out on Route 1; they have done promotions and advertising. They are the best operators and the best staff of people they have ever seen so he wants to be on the record that there is nothing against Normandy Farms but when a beer and wine license is moved out to Normandy Farms on the Route 1 corridor they have four licenses within walking distance of each other and so the one thing that they do enjoy out there is the benefits of Normandy Farms; they draw from all over the country and as everyone knows campgrounds are a great positive impact on the economy because all of those campers shop the community; they shop the grocery stores, they shop the stores, they buy their alcohol, they go to the movies, etc. From that standpoint they look at it as another economic hit because they will lose a portion of that business. They are talking strictly economics and they are not talking politics and they are not talking being up against anyone but when you address this economically and now that letter and survey came about they realized that one license going above the 5,000 population squeezing the pie and really making it an effective impact on all the stores in Foxborough so they thought that they would come forward with this because economically he thinks it is more negative than positive in their field. Mr. Mitchell asked the 1 in 5,000 that he is referring to is that just for package store licenses or for any liquor store licenses. Mr. Keegan stated that it refers to package store licenses but it is not a firm requirement. Any city or town can apply through the home rule petition process to go beyond that. Mr. Feldman stated that was in the books from 1937. Mr. Keegan stated that it is not a hard fast rule, it is a guide. Mr. DeVellis stated that Mr. Civilinski brought up Normandy Farms and Mr. DeVellis got correspondence from Normandy Farms so it seems like they have a request for beer and wine. From going down from 3 to 2, that license is not going to be available for Normandy Farms and that is a longstanding business for 100. Mr. Keegan stated that he has spoken to them as well as Hops & Grapes. Mr. DeVellis asked if there was another option for them to get that type of license other than that scenario. Mr. Keegan stated that the only other option that they discussed with them is the possibility that we do have a beer and wine serving license presently but they don't have a package store license and that license could be available to them immediately if they so choose to serve in that direction. Mr. Mitchell stated that it sounded like they wanted to stock a couple of different six packs and a couple of different varieties of wine. Mr. Keegan stated that the understanding of what they wanted to try and do is to provide a display case inside their existing gift shop. They are not looking at a very large volume of sale here; it is more of a convenience factor for the

campers that are looking to go there. Mr. Keegan stated that one counterpoint of what has been said is another side to the story of the package store, Hops & Grapes; Hops & Grapes is completely on the other side of town and talking to the owner of that shop last night, he did indicate that most of the business that he gets, people come in looking for alcohol and they end up going to Mansfield for that business, they don't go to Foxborough. The other side of that coin is that if Foxborough were to have an all alcohol license the town would be able to retain those sales in the community.

Mr. Mitchell asked when the whole Master Plan was developed and laid out he knows the Economic Development Committee took into consideration the plan, were the nodes put in and were alcohol restaurant and package store licenses discussed in the planning of the Master Plan. Mr. Feldman stated that he doesn't think restaurants specifically were part of the discussion; he thinks it is economic development as a whole and clearly restaurants are a function of economic development. Mr. Gray stated that is how these licenses got shaped. Mr. Keegan stated in response to Mr. Mitchell's question, he thinks the whole discussion came about a year and a half ago when the whole issue of licenses came up and he thinks it was Mr. DeVellis who raised the question of what is the process to determine how many more licenses they need. That is when the whole discussion began and Sharon Wason at the time got involved in the discussion and looked at the Master Plan and said why don't they break it down to see what made sense there and that is how the whole discussion evolved. Mr. Mitchell stated the way he looks at it is they spent a lot time with the Master Plan planning for economic development, economic growth, and a lot of detail went into that and the Economic Development Committee put a lot of effort into everything and he thinks they need to go forward with what their recommendation was originally. This whole article has been changed three times in the last three meetings. Ms. Brue stated no, they are only suggesting one. Mr. Mitchell stated when it was all first proposed they were voting all of them at once and then it got split so to him, as a Board member, each time they have gotten the draft list at the last three meetings it has been different. Ms. Brue stated that the Economic Development Committee submitted three separate articles from the very start so she is not sure how they received one combined one. Mr. Keegan stated that initially there was a proposal to do one article and it was broken down later by the committee. Mr. Mitchell stated that what he was saying is they have done their homework and he personally thinks the majority of the package store licenses are down towards the Route 1 area and like Mr. Keegan said, the majority of people down in South Foxborough are either going to go to Plainville or Mansfield so to spread the licenses out, he doesn't think is a bad thing. Mr. Keegan stated that in fairness to what the committee is asking them, he thinks the committee would like to take the opportunity to collect more information so they have sound arguments for defending the position of whether or not those licenses should be included in this particular warrant article. The last thing anyone wants to do is to go to town meeting and say they don't really know the answers to those issues. The questions have been raised and he thinks that is part of the reason why they are doing it that way. Mr. Feldman stated that they have had in the last couple of days a lot of the questions answered and the question that still needs to be answered is what type of business does Hops & Grapes anticipate running; what size; what scope; how much volume do they plan on doing; where their customers are coming from; are they employees in Foxborough and they are stopping by on their way home, out of town. There are still some questions that they can answer. The Economic Development Committee spent a lot of time on the restaurant licenses, history, financial impact, competition and he thinks they can make a strong case for those. He thinks

they could make a stronger case for the package store license but given more time they can make a stronger case he thinks with financial impact studies; customer base; volume and quantities of what is being sold up there. Ms. Coppola asked if they anticipate at the Board's next meeting they will have all of that information that they are looking for. Ms. Brue stated no. In their discussions that talked about taking time to pull that information together and give both sides of the argument equal opportunity to pull that information together so they can have more time to evaluate that. They don't want to lose those two restaurant requests but in the interim of that, it made sense. Ms. Coppola stated that the Economic Development Committee is comfortable with the warrant article just asking for the two licenses and then months from now at the next town meeting if it is warranted they will take up the other warrant article to address those other concerns. Ms. Brue stated that the information that was gathered would be evaluated.

Mr. Keegan stated that it is important to note for the Board to be aware that realistically the bill that will be filed will in all likelihood not be taken up until the fall anyway following this town meeting and there is always the possibility that this bill could be amended to include an additional request if necessary.

Mr. DeVellis stated that this change, going from 10 to 9 really affects two entities; Hops & Grapes and Normandy Farms. Mr. DeVellis asked if anyone was there from Hops & Grapes and Normandy Farms. No one spoke. Mr. DeVellis stated that it is unusual where they have a warrant that has been published and they have a meeting and the two entities that it does affect are not there. Mr. Keegan stated that they reached out to them last night and let them know that this was a possibility and it could go either way. Mr. Civilinski stated that the point was brought up that positioning of licenses which is the licensing authority, Foxborough Board of Selectmen have positioned these licenses accordingly to what they thought was in the best interest for the Town of Foxborough. Previously years ago there were some ongoing battles as far as positioning some of these liquor stores too close and what they are saying is now they do have four liquor licenses out there on top of each other. That was the decision of the Board of Selectmen and the Town of Foxborough. He is hard pressed to think that they would be punished some more while the four of them are battling each other for a piece of the pie that they would add on an additional license because it is perceived that maybe it was a mistake a few years ago and regardless he thinks that now to punish them some more by saying they are going to put another license on the other side of town because that looks like a little better balance and the person in the center of town that has made an investment gets hurt and the rest of the stores get hurt because of the positioning of the license by the Town of Foxborough. It was just the point he wanted to bring up because he thought it was important.

Chief O'Leary stated that he is speaking in his role as Constable. This evening he had a discussion with the Town Clerk about the fact that they were hopeful that tonight the warrant would be closed because he has an obligation to get everything posted by Friday with the election coming up on May 2, 2016 and Town Meeting on May 9, 2016 so he was very clear to him and he will pick up the paperwork Wednesday, everything has to be posted by Friday because he knows there was a question on the action that could be taken. Mr. DeVellis stated that the action that is going to be taken is one way or the other they are going to close it tonight. Chief O'Leary stated that his conversation with the Town Clerk before he came to the meeting indicated that unfortunately some decision has to be made. Mr. DeVellis stated that they are

airing on caution to go down a license which makes sense on some level but it still bothers him that the two entities; he hasn't heard anything from Hops & Grapes but he knows they have been asking for the upgrade and he has heard from Normandy Farms and this is upsetting to them. How do you make everyone happy and hit a deadline and move forward.

Mr. Feldman stated that from a timing issue it doesn't hurt either one of them because even if it was approved at town meeting they are a year away from getting a license so whether it is taken up for a vote here or at a fall town meeting timing wise it doesn't hurt either one of them and it allows the Economic Development Committee to do their research that they really want to do. They really want to present these articles in a thoughtful manner.

Ms. Coppola stated that the Economic Development Committee was appointed by the Board of Selectmen to do the investigation and to put the plan together and she thinks they should defer to the Economic Development Committee on this because they feel they don't have enough information so if they feel comfortable having two rather than three in this warrant article she can go along with that.

Mr. DeVellis asked Mr. Keegan to enlighten the Board again that the one liquor license that is available is not a liquor license but a pouring license. Mr. Keegan stated that it is a pouring license for beer and wine only. Mr. Keegan stated that they have had this license for a while. There haven't been a lot of requests for beer and wine pouring licenses; it is sort of a unique scenario. Mr. Mitchell asked how long the town has had it for. Mr. Keegan stated that we have had it for a couple of years. Mr. DeVellis stated that when you say pouring license in which Mr. Keegan stated that you have to go there and get a glass of wine or bottle of beer. Mr. DeVellis stated that you have to have it on premises in which Mr. Keegan stated correct. Mr. DeVellis stated premises meaning right there like a restaurant not premises that they can bring it back to a trailer in which Mr. Keegan stated correct.

Mr. DeVellis stated that he would like to entertain a motion on just Article 17 and then once that is done they will make a motion for all of the articles. A motion to amend Article 17 in the affirmative.

Motion by David Feldman to amend Article 17 to take out the one all alcohol package store license and leave the two all alcohol pouring licenses. Seconded by John Gray. **Vote 4-1-0 with Christopher Mitchell voting in the negative.**

Mr. DeVellis stated that they will look at the list of 31 articles and all of these are still intact and all of these have gone through some process with AdCom. Mr. DeVellis asked if the Board had formally approved any of these. Mr. Keegan stated that he didn't think they had and the past few months they have taken up issues as they have come along.

Mr. Gray asked for some details on the cell phone tower lease. Mr. Keegan stated that they finally received a bid on Friday of this past week for that and it has been an issue that spanned three town managers. The previous two have not been able to get a bid on this proposal and they were able to get one on Friday and it actually looks very promising. They are still negotiating one piece of it which is the actual payment they will receive and right now there is at least a

minimum of \$24,000 a year that they will receive. Mr. Gray asked where the location was in which Mr. Keegan responded at the Police and Fire complex and they are going to use the existing tower that is there. They will actually receive revenue and it will be at 25 escalated and it is a 30 year request for a lease. There will be one 10 year term and 4 five year terms after that with a 2% increase each year. Mr. Gray asked if that was a lease with options. Mr. Keegan stated that it has options; a single lease term and 4/5 year options. They were just reviewing it today and there were just a few things that they want to review to finalize but right now they are recommending that it be approved. Mr. Feldman stated with the cell tower lease arrangements just be mindful that they retain the right to add additional equipment or remove equipment or change the arrays as technology changes. Mr. Keegan stated that the big concern is that they want to make sure after 30 years that they remove any equipment off the pole unless the town decides to renew it. Chief Hatfield stated that they did put options in there that they would not interfere with any of their radio frequencies. Mr. Keegan stated that he has worked with Chief Hatfield and Lieutenant Hannon on this. Ms. Coppola stated that they will be able to present this information next Wednesday and they will have to vote on that the same night. Mr. Keegan responded yes.

Mr. Mitchell stated that he had a question on Article 20 – Playground. That originally was something to do with a proposed 40B development in there as well so is that playground tied to that and is that a done deal? It seems like \$75,000 to renovate a playground that no one has ever seen is a lot. Ms. Coppola stated that from what she remembers going to the AdCom meetings, Ms. Duncan spoke to this and even if the 40B doesn't go through he is responsible for that portion of that amount of money. Mr. Keegan stated that this is not money the town is spending; this is all money that came through donations and grants. Mr. Mitchell asked if it all had to be spent on that playground. Mr. Keegan stated yes, it was always earmarked for that area. Mr. Mitchell stated as long as the town was not spending \$75,000 on a playground that no one has ever seen before. Mr. Keegan stated this is actually a playground that is in dire need of renovation. Ms. Coppola stated that it will be the only playground in that part of town and the residents are really happy about that. Mr. Mitchell asked if wasn't the Burrell School right there in which Mr. Feldman stated right down the street. Mr. Keegan stated that the neighbors are in support of it.

Motion by Christopher Mitchell to approve all 31 articles for the town meeting. Seconded by John Gray.

Vote 5-0-0

Mr. DeVellis stated all in favor of closing this process. Motion by Christopher Mitchell to close the May 9, 2016 town meeting warrant. Seconded by John Gray. **Vote 5-0-0**

Ms. Bernard wanted to give Marsha Armando a boat load of credit for tracking changes and updating versions of the town warrant for them, she did a wonderful job on this. Mr. DeVellis stated that it should be said that the spreadsheet going to them and AdCom; these aren't all Selectmen articles so she is going to all the different entities that brought it and there is a lot of work that went into this so he thanked Ms. Armando and the staff.

9:19pm – Police Chief Recruitment Process – Mary Beth Bernard

Mr. DeVellis stated that in the Board's packet there is a draft of a recommended process to recruit the new Foxborough Police Chief.

Ms. Bernard handed out information that is the same timeline that the Board already has and also attached on the bottom is the Town Clerk's certification that the position was in fact removed from Civil Service and that the incumbent, Chief O'Leary remains Civil Service protected but for posting the job it will be a non-Civil Service position. The third thing that the Board has is what the recruitment brochure might look like; this would be sent to area municipalities as well. Ms. Bernard referred to the timeline to walk the Board through how each piece works. They are proposing this and they sent it to the Board back a week or two ago for them to review and look at with the understanding that they wanted them to really take time to weigh in and let them know how they feel about the timing. They start off with a target date of May 1, 2016 to advertise the position and they would go online to some popular police sites; Association of Chiefs of Police; Police One is a site she has also used, it is a free recruiting site; Linked In which is now the most popular recruiting site for both the public and private sector; the MMA houses police chief job descriptions as well and then the brochure that the Board has in front of them that might go out to area police departments and town halls to be posted. On May 1, 2016 they would concurrently be issuing an RFP if the Board approves this process for the final phase of the recruitment process that would be an assessment center for the finalists so the candidates would go through the process as she is going to outline it and then the final phase would be to have an objective consultant running the assessment center process for the finalists.

June 1, 2016 if they start the posting on May 1, 2016 they would be looking for the applications to come in that gives them 30 days and they will be using their applicant tracking system that they purchased through Munis. They have now been able to work out all the kinks. They have processed over 300 applications through that on a various number of jobs they had posted so they are looking to use it and it is working out quite well. They are able to communicate with the candidates and correct everything on line. They figured that they would be doing resume screening somewhere around June 6, 2016 – June 10, 2016 made up of a committee that they are proposing which would be the Town Manager, Assistant Town Manager and Chairman of the Board of Selectmen. This process is modeled after one that she used in Westwood and it worked well. She suggests the idea of perhaps doing telephone interviews which are just a 15 minute investment; they can talk to a broader number of candidates and it might be a screening committee of the Town Manager, Assistant Town Manager and Chairman of the Board of Selectmen. That group would narrow this telephone interview group down to panel interviews where they would invite depending on how many applications they got they would have an evening or two evenings of panel interviews modeling this after she and Mr. Keegan's experiences who has also hired some police chief's. They would like to have a group of technical experts perhaps in one room and those could be public safety specific; subject matter experts (Police Chief, Fire Chief) and things like that in one room doing an interview and the candidates would go through two groups during that night. The second group would be made up of community members perhaps the School Superintendent, a Representative from the Board Selectmen, maybe someone from Human Services however the Board would like. In her experience they had candidates come in and they did 30 minutes with each group and at the end

of the evening the two panels got together and did a consensus voting of candidates, shared their experiences and that is where you get your final candidate pool. At that point they would hopefully be around August 1, 2016 and they would run a two-day assessment center for the finalists and that would be conducted by the consultant that they would be sharing the RFP in May. The candidate's names would go public in mid-August and they would interview in public session in front of the Board of Selectmen and that would be based on their wishes and they would bring them anywhere from 1-3 candidates depending on how the assessment center turns out. They would hope that if it were an incumbent chief under a contract they would need to at least give 30 days; some have to give 45 days so they would be looking at September 15, 2016 to onboard the new Police Chief. That is their proposed timeline and they would be happy to take suggestions. They have asked the Board of Selectmen for feedback and they brought this up at their department head meeting and asked department heads to weigh in and they have had some comments. They also reached out to the two Lieutenants; the senior administrative team on the police department because they are impacted by how the process might run so she asked them for input and she got very thoughtful comments from them as well. Ms. Bernard deferred to Mr. Keegan who has also hired several police chiefs in his career and they worked through this process and timeline and thought that this could work. Mr. Keegan stated that the only one change he would make is he thinks they should be considered semi-finalists until they get to the point where they became finalists because finalists is where you actually have to release their names. It is no different than the Town Manager process where people who have current positions they may not want to release their name until they are actually a serious contender. Mr. DeVellis stated where it says "finalist names made public the week of August 16, 2016" they are saying those are the semifinalists. Mr. Keegan stated the semifinalists prior to that from August 1, 2016 through August 10, 2016.

Mr. Gray asked if this schedule overlaps at all with Chief O'Leary's departure so there is some time for acclimation in showing the new Chief the community. Ms. Bernard stated Chief O'Leary's retirement date is September 30, 2016. Mr. Gray stated to have someone come in about September 15th or 20th would be advantageous in which Mr. Keegan stated absolutely. Ms. Coppola asked Ms. Bernard to explain the Assessment Center. Ms. Bernard stated that the Assessment Center would be a two-day professional center that is a series of exercises that are modeled to represent the actual issues of a Chief; they would select as a town a number of exercises; the consultants have about 20 different exercises and you might have something that is a public meeting and there would be a panel of experts that would review the candidates and there would probably be somewhere between 5-7 exercises that they would all be going through; one might be a public hearing where the panel of experts might put them in a high pressure situation; members of the press, a town meeting or a media conference. They would also do like an employee stress counseling type issue. The last assessment center she sat in, they rapid fired a bunch of police type laws such as when would you do pursuit, when would you use your weapon they would do things that are actual subject matter and law specific. There is usually like an "in basket" exercise; how would you manage your day as a manager. Generally there is some sort of a writing assignment; an employee counseling type thing. What you would do is sit down as a group in developing a character profile they would pick exercises that go with the strengths that you would want; something that would show leadership skills, something that would show strategic thinking; something that would show how to manage a giant entertainment and sports venue public safety event. You might want something to see if they had anti-

terrorism or incident command type experience. They generally can select the type of exercise but they are not privy to what the actual exercise would be. Fortunately a town representative can sit in so in the Police Lieutenant Assessment Center she sat in as the town's representative to make sure that it was done fairly. Ms. Coppola asked the panel for the assessment center, those individuals on the panel, are they professional consultants. Mr. Keegan stated yes, consultants and made up of actual sitting Chiefs or Town Managers. Ms. Bernard stated in the RFP you ask them how many assessment centers they have done, can they give the bios of who their assessors would be so you get all of the professional information; if people have any sort of a bias relation or whatever, they recuse themselves and they don't use that consultant for that particular community. It is retired police chiefs, fire chiefs and town managers; those are the type people that are employed by the consultant.

Ms. Coppola asked if they will have one consultant put all this together. Ms. Bernard stated yes, one person runs it and they generally have a panel of 3-5 consultants with them that spends the entire two days with the candidates and at the end of that they give you a score and make a recommendation based on the score of who should proceed to the end of the round of being recommended to the Selectmen. Ms. Coppola asked where that would happen. Ms. Bernard stated that they used the library for the Lieutenant Assessment Center; you generally need two rooms because the candidates are coming in to the assessors and during their down time they are generally working on an in basket exercise or writing assignment so you need some place with two rooms. They are not allowed to have any communication and they are basically on lock down for two days from 9:00am-5:00pm. Mr. Keegan stated that it is basically a two-day boot camp. Mr. Keegan stated that it is a pretty intense process but at the end of the day you usually end up with a really good indication of who your best candidates are.

Mr. DeVellis stated on Panel B that is more of town representation; you have the Town Manager, Assistant Town Manager, School Superintendent, a representative from the Board of Selectmen, and asked who would be the Human Services representative. Ms. Bernard stated that they were thinking someone like Vicki Lowe or someone who deals with the human services side of things for public safety. That would be like the department head administrative group and then you would have the subject matter experts, a public safety panel as well talking about more tactical things. Mr. DeVellis asked if they had considered where he/she will be intertwined with public safety; someone from the fire department side. Ms. Bernard stated yes and they would probably have on Panel A and what they did in Westwood is they had an interim police chief, a police commissioner and fire chief who made up that panel. Mr. DeVellis stated that he was thinking Panel A as professionals outside of Foxborough and Panel B were in Foxborough but that is not the case. Mr. Keegan stated that you could mix and match. Ms. Bernard stated that it is mostly someone who is tactful about public safety and they would determine their scope. Mr. DeVellis stated that it is basically a five month process starting at the beginning of May and concluding at the end of September with a little bit of overlap at the tail end with Chief O'Leary. Ms. Bernard stated she did date range this based on summer vacations and things and giving a two week range on some things but it is actually a two night event and they are trying to work with people's schedules. Mr. DeVellis stated that part of this also if he was going to apply the RFP, where does the contract come into play, where is the benefit package, the salaries and all of those things, where do they see that. Ms. Bernard stated that was the next question they had for the Board was with this draft the current chief is a bylaw employee not under a contract and it would

be the Town Manager and the Board of Selectmen is this going to be a contract position or not. Some of the key decisions they are going to need their input on how is how they list the salary. Currently in police departments you generally have a base salary for a Chief, a percentage of the Quinn bill based on their education and then in this town they have the detail component of pay. One concept might be that she has seen other towns roll everything together into one salary amount and they could do that. They really want to talk to the Board on what they want to approach the salary piece.

Mr. Gray asked if this would be typical of a department head when once they have identified a candidate they would then go into negotiations with probably the help of Leo Peloquin, their labor counsel and then begin to negotiate until they can finally get an agreement and then go forward. Ms. Bernard stated yes but she thinks they would have a defined salary range before that. Mr. Gray stated that a defined range is fine but the details would have to be worked out. Mr. Keegan stated that he would strongly recommend that given the fact that the position is now out of civil service that it is to be a contract position so they need some level of guidance of how this position will be structured. The key element of the salary so they know what to put down for a salary range is that it depends upon whether you want to roll everything into it, it is one range and if they keep the details as a separate item it is another range so they need to know what that means. Mr. Gray stated that the detail is a variable component of compensation. Mr. Keegan stated that in this past year that was an issue that became a question mark based upon one of the incidents that happened at the station and the question got raised that is there an influence here because the person was at the stadium and the chief works at the stadium so that became a question mark as to whether or not that should be something they should look at for the next candidate. Mr. Gray asked if they needed that answer tonight. Mr. DeVellis stated that his concern is if they have a May 1, 2016 advertised position is it going to be a salary commensurate with that position and leave it general and get the applications in. Ms. Bernard stated that one of the things that she has been told by candidates in her experience is that unless they do a defined salary you may not get an experienced chief to commit career suicide and put his name out there if this in fact is not a defined salary; they are not going to leave for the equivalent of what they are making and put themselves in an uncomfortable position with their own town manager and Board of Selectmen so they would like to be as specific as possible. Mr. Gray asked if they could have two ranges. Mr. Keegan stated that he thinks they should keep it the way it is currently and then that can be negotiated later on if the Board is compelled to rethink their position on that. Mr. Gray stated that they have years of past compensation and they could publish that and that would give them a reasonable ballpark of where they would fall. Mr. Keegan stated that they could give them an indication as to how much the chief makes in the town during the detail season and they could leave that as an additional level of compensation that the person could potentially receive by working those details. You could also have the salary which would include the Quinn Bill compensation and he is inclined to list it as an all-inclusive pay range. Ms. Bernard stated that they could then talk about later if they want to calculate them all separately as long as they know what the bottom line is. Mr. Gray stated that the candidate might prefer that and at that point the Board may prefer that.

Mr. Mitchell asked if the detail that the Chief works at the stadium, is he required to work that. Mr. Keegan stated he is because it is part of the lease agreement with the stadium; he is the Chief Law Enforcement Officer. Mr. Mitchell stated that he is basically forced to work overtime. The

Chief stated that it is an obligation and it was made very clear from day one starting as a Patrolman by the Selectman that they expected them to work events and as part of his duties being Chief is to make sure that he is present at major events.

Ms. Coppola asked if the discussion that they are skirting around right now, is this a discussion that should be in executive session because it has to do with salaries and a possible contract. Mr. Keegan stated no, because they are not specifically obligating the town to a particular number for the position all they are trying to do is determine a range for the position so that they can advertise it. Mr. Gray stated that if you put the last three years average or you might even escalate it a bit and just say two components; one is the base if they qualify for the Quinn Bill that is pretty easy to calculate and secondarily there is an historical detail component and that it will be in this range based on and take the average on the last three years.

Mr. DeVellis stated that they should shy away from putting a specific number on this tonight because he doesn't think the Board is prepared to give them a number and leave it at if they want to put that stuff together and between now and May 1st or is it a Chairman/Town Manager saying it is okay or do they need to come back to the Board somehow. Mr. DeVellis stated that they are not in a position right now to have all of those numbers in front of them to say put it in this range. Mr. Feldman asked if they were going to provide comps from surrounding communities. Mr. Keegan stated they have that and the only concern is they want to try to stick with a May 1st deadline if they can. Ms. Bernard stated they could circulate the brochure and ask for feedback with a number on it and the Board could report back to them. Mr. Keegan stated that each individual board member could report back to him individually and give him their feedback and they can build on that. Mr. Gray stated they could do that. Mr. Feldman stated that they need the background information.

Mr. DeVellis stated that the question is that they have seen this from May 1st to September 30th the general description and planned action items and wanted to know if the Board was okay with that. The Board stated yes.

Mr. DeVellis stated that Ms. Bernard did this in Westwood and wanted to know when that was. Ms. Bernard stated they hired their chief going on 2 ½-3 years and they used this process. Mr. Keegan stated that he used the modified process but it was very similar in Dedham when he actually hired two chiefs in Dedham both of whom ended up retiring during the time he was there. The one he last hired four years ago he thinks is still there.

Mr. DeVellis stated a general question and he is not raising it because this situation came up but how does he keep it, in their experience nonpolitical and keep the Selectmen out of it from asking questions because it is going to be a very important process and he would rather know upfront. Ms. Bernard stated that they kept it extremely private because they promised the candidates confidentiality so only the member of the Board of Selectmen that was on the panel was allowed to see the references, it never got outside of that and they told the candidates when it would become public and that was when it came to public session. In fact they even posted the agenda at the point the assessment center was still going on and then in between the assessment center and the first Board of Selectmen meeting, they posted final interviews with candidates and then the night before they were able to release the names and each one of the Selectmen

ended up right after the assessment center meeting with the three top candidates one on one just to have coffee and just to get to know them so they could also have a little background before the actual evening before they met them as a group. That was a successful piece of the process.

Mr. DeVellis stated that where Mr. Keegan was a town manager for the last ten years he would get an understanding completely of what this community is about but within the two years that he has been here he is comfortable that he knows the community and if he doesn't he has ways to reach out and find out the answers and he likes the fact that they are grabbing the different people and putting them on this to help.

Mr. Keegan stated that the public should know or anyone should know that if they have comments or ideas or thoughts of what that should be, they certainly welcome that input; there is no shut off of that process. Mr. DeVellis stated that if people want to contact them for that process is it Ms. Armando or Mr. Keegan. Mr. Keegan stated they can contact him directly.

9:43pm – Dog Park Process – William G. Keegan, Jr.

Mr. Keegan stated that what he did was prepare a memo with respect to this idea because he knows there has been a long standing history and debate over this particular topic so what he wanted to do was try and find a way in which they could actually cut through a lot of the concern debate and start dealing with some of the facts and the best they can do is fact gathering over the next period of time which he is not sure how long that is going to take but until they are comfortable with making a good decision.

The issue was to see if there was an interest in establishing a Dog Park Working Group to evaluate all of the associated issues and present options to the town to consider.

The discussion is in 2008, a proposal was brought forward from some interested citizens to establish a Dog Park in Foxborough. Without elaborating too deeply into the details of that proposal, the issue became embroiled in a large controversy that left some very strong feelings from residents on both sides of the issue. While there is belief from some residents that a dog park is desired by a majority of residents in the community, the facts that support that premise have not been clearly established. Conversely there are some residents in the community who have expressed some very strong reservations about establishing such a park.

While the concept of the dog park is, and of itself, an idea that has gained some level of popularity in many communities around the country, the biggest challenge is finding a location that residents can rally around as a viable solution. It is also noted that dog parks have further evolved over time into a multi-level approach. Many of the "new" parks have areas for both small and large dogs that allow them to run free in fenced in areas. Other concepts limit dogs to be walked in the park but must be restrained and kept entirely on leashes by their owners.

Foxborough is fortunate to have maintained large tracks of land with open spaces that often serve as buffers to surrounding developments. It is also fortunate to have numerous active recreation areas that have served the needs of our residents and which add to the overall quality of life. A dog park is the newest form of a park that has evolved from the increased popularity of dog

ownership in the past ten to fifteen years. It's no secret that pet owners feel very strongly about their pets and want them to have areas where the pets can "socialize" with other pets.

The challenge is that not every resident is comfortable with the concept of having a dog park located near them. Concerns that often get expressed are that the dogs will be disruptive and that the area will be adversely affected by the parking and traffic generated by the park.

The only proper way to consider the development of a park is to form an active working group who will meet and address the main questions and concerns that need to be answered before support for such a concept can be established. Some of the more of the obvious questions are:

- Do town residents want a dog park?
- If the answer to the above question is yes then next question is "What kind of a dog park is preferred by the residents?"
- The most important question should then be answered. Where should the park be located?

Each of the above questions must be answered with as much factual information as possible. If left to speculation it is human nature that we assume the worst. As such, there must be agreement from the working group on how the information is collected and then interpreted. If that can be achieved then each of the next processes will become easier to perform.

In forming the Dog Park Working Group the group should be comprised of individuals who can offer expertise and differing perspectives. Through organized deliberate debate come solutions that the majority of people can support. I would therefore propose that the Working Group include the following members:

- Three members who support the development of a dog park
- Three members who oppose the development of a dog park (for varying reasons)
- Town Manager (or his designee) who serves in the role as mediator
- One member of the Board of Selectmen
- One member of the Conservation Commission
- One member from the Planning Board
- One member from the Recreation Commission
- The Animal Control Officer
- The Building Commissioner
- The Town Planner
- The DPW Director (or Town Engineer)

Some of these people in his opinion would be more resources and information gatherers for the working group itself.

The Working Group should meet as often as possible but should have a goal of trying to have a recommendation ready for the next Annual Town Meeting (May, 2017) if needed. He will note

that a town meeting may not be actually needed for this if in fact that comes to a solution that does not require an action by the town to actually establish it.

If the Board of Selectmen supports this approach, the Town Manager could request appointments from the various Boards and Commissions and then call for the first meeting of the Group in May or June of 2016.

The action requested tonight is the Board evaluates this proposal. The Board should determine if this is a viable proposal or they could offer comments or suggestions to further improve it. The Board also has the option to disapprove the proposal and move to address this issue in an alternative manner.

Mr. Keegan stated that it is interesting because as often as issues become very controversial, the way to address it is very simple. The last controversial issue was the town hall project which was addressed in a very similar way. They put a bunch of people on both sides of the issue in the room and figured out what all the questions were and answered all the questions to the best of their possibility and then decided what was the best solution. At the end of the day they had unanimous agreement at the end as to how to move forward. He can't imagine that this process would be any different so he thinks what is important though is they go into this process without any kind of preconceived notions of what the end result will be. When they go into it they will establish the facts, see if it makes sense for them to even establish this process to begin with or if there is a need for a park and if so let's move on to the next step.

Mr. Gray stated that one of Mr. Keegan's strengths is diffusing emotions and this certainly does. It is a whole lot better to go through this process than to have battles take place in the editorial page of the newspaper. He thanked Mr. Keegan for putting this together and he thinks it will work fine.

Mr. Mitchell stated that he wasn't part of any board the last time the dog park happened but he knows it was pretty controversial so he thinks this is a great idea and a great solution to make sure that everyone is on the same page as much as possible.

Mr. Feldman stated that seeing how the Town Hall Working Group functioned first hand; you had a lot of information and some of it was misinformation and they were able to get that out on the table and have respectful dialog which basically what it came down to. You get people in a room and you talk about facts and you eliminate the misconceptions or the hearsay and people make a decision based on facts not fiction. That is how the process can work especially when you are dealing with some controversial issues, it is important to make decisions based on facts, not emotions and he thinks this process can help solve that.

Ms. Coppola stated that she echoes Mr. Feldman's sentiments; she thinks it is a good process.

Mr. DeVellis stated that looking at the list of 15 people on the dog park committee and that is quite a bit so he was wondering if separating the volunteers from the paid staff; the Animal Control Officer, the Building Commissioner, the Town Planner and the DPW Director and rather than putting them on a committee, have them be available. Mr. Keegan stated to serve as

consultants. Mr. DeVellis stated that they are paid and there is a lot of time that is going to go into this and it is not fair. Mr. Keegan stated that they don't have to be there for every meeting and that is pretty much how they operated the last one and ironically it was about 15 people. Mr. DeVellis stated that will bring it down to 9. Mr. DeVellis stated 3 members on each for pro and con. Mr. Keegan stated he that is good because at the end no one can say that the issues were not discussed. And believe it or not, the people that were opposed to it come from varying different directions. The people who are for it have different kinds of ideas that have never been truly vetted so it really comes out to be a real dialog of how they can make this work. Mr. DeVellis stated that Mr. Keegan touched on going to town meeting if needed. If there is no town money spent on it and as Mr. Keegan said it doesn't need a variance or anything or if the land gets donated then they wouldn't go to town meeting.

Mr. DeVellis wanted to make a point of how this all started in the purview of the Conversation Commission and for them to collectively say yes it is in their jurisdiction but they are okay to give it to someone else's jurisdiction so he thanked the Commission for doing that because he thinks it was proposed other than the MBTA property it was on conservation land which they don't really have jurisdiction over this. He doesn't think anyone on the Board of Selectmen was here including himself during the dog park days.

Mr. Boette stated as Chairman of the Conservation Commission obviously he cannot speak for the entire board but he whole heartedly agrees with the approach that is being proposed. At their last meeting he read a statement that he was behind the proposal so there should be no doubt in anyone's mind that he is for it. Mr. DeVellis stated that if the Board of Selectmen is okay with this would Mr. Boette be responsible for talking to his committee and getting one person to come forward. Mr. Boette stated yes. Mr. DeVellis stated for the rest of the Planning Board did Mr. Keegan want to take responsibility for reaching out and summarizing this meeting in which Mr. Keegan stated yes. Mr. Boette asked Mr. Keegan if he would prefer to appoint someone from the Conservation Commission in which Mr. Keegan stated that he thinks the Conservation Committee itself should take that up first because everyone has different reasons for wanting to serve and he thinks it would be nice to get a volunteer to do it. Mr. DeVellis stated that they will use Mr. Boette's judgment on who they want to appoint and then they will add them all up.

Mr. Mitchell stated that he will take it on if no one else on the Board wants it in which the Board was in agreement to have Mr. Mitchell do it.

9:56pm – Town Manager Update – William G. Keegan, Jr.

Mr. Keegan stated that the Brigham & Women's Mass General Health & Care Center in Foxborough is now open 7 days a week. They were closed on major holidays and during some stadium events were open just Monday through Friday but now they are open seven days a week.

Mr. Keegan stated the spring and summer Recreation & Parks program is out and they are going fast so a word to the wise if you haven't signed up for a program do it soon because they are filling up really fast. Mr. DeVellis stated that they went on line this year and they have three hundred plus spaces and they went quickly. Ms. Bernard thinks there are only fifty or so openings left. Mr. Keegan stated that they have to limit this because it is a safety consideration

just so people are aware of that. Mr. DeVellis stated that there were people last year that were doing it for years who were amazed that it sold out and they couldn't go.

Construction is underway at the new town hall site; they actually started to remove the pavement this week so you will start to see some real activity going on there.

The Opioid Addiction Task Force will meet again the first week in May. They have a couple of speakers coming in from Stoughton. Mr. DeVellis thanked Mr. Keegan for doing the cable access show on it. Mr. Mitchell asked if the committee he was talking about was still internal (staff) in which Mr. Keegan stated they have residents and some professionals from the outside working in the community so they broadened it a little bit and it has actually turned out to be a pretty good group. Mr. Mitchell asked if those meetings were open to the public in which Mr. Keegan stated yes.

Mr. Keegan stated that they also have the new Route 140 Task Force that they will be hearing about and it is a study that is underway now with the MAPC working with SERPD (Southeastern Regional Planning District) and they are doing a study from Foxborough Center all the way down into Norton of Route 140 because of a lot of changes going on around Route 140 so that is an important study that is underway right now.

The new Stormwater Management Law MS4 is now out so there is more to come on that front and they still don't know the true impact of that but it sounds like a mandate to him and it is probably going to cost them more money in the long run.

The flagpole pole project they already talked about, but for anyone that is tuning in now, that construction is underway and they are doing the concrete around the pole. It is being constructed in and around the pole now and they are taking the old pole down. The pole is scheduled to be here the first week in May and it is being constructed now. They will be out there taking the old pole down the first week in May. Mr. DeVellis stated for the time capsule they talked about fifty years because the younger generation can open it. Mr. Keegan stated that they wanted to make sure that cable access is aware of that because they wanted to film the taking down of the old pole and putting up the new pole. It will be a nice piece of history for the community to have.

10:00pm – Assistant Town Manager Update – Mary Beth Bernard

Ms. Bernard stated that the groundbreaking has taken place at town hall and they have the contractors and project managers housed in various offices in the lower level of town hall and as a result they have been doing CORI's on all of the people who are going to be on site and when she took it on she thought it would be about 20-30 people and she is at 300 names right now. They are doing this because they are going to be working in town hall and around so they want to make sure that it is safe for everyone. Mr. DeVellis asked if that is a requirement or a policy. Ms. Bernard stated that Mr. Yukna forwarded it to her and stated that they have the option of doing CORI's and should they do it and Ms. Bernard stated better safe than sorry and she would be happy to do it.

Ms. Bernard also wanted to advertise based on Mr. Keegan's comments on the Recreation program they have very few openings left. Tomorrow wraps up their summer hiring so if anyone is looking to be a Recreation summer staff person, lifeguard or even a DPW seasonal laborer, those are on their website and they will be wrapping those up tomorrow. It went into the newspaper and it has been on the website for a couple of weeks and if anyone is interested they would love to have their application.

They are going to start discussions with the union on health insurance again. A few years ago the town navigated through Chapter 32b, Section 21-23 making health insurance changes. They are required to notify the unions and see if they are going to keep things status quo and that is going to be happening in May. They have Jack Dolan their HR counsel advising them on that. They are probably 75% done with the job description study for the Steelworkers, the 51 positions in that and then they will be meeting with a compensation consultant to help them put everything together. Because of the cost and the time of a consultant Ms. Bernard took on the 101 job description analysis with everyone which has been a fun and an unintended consequence of it is that you get to meet one on one with people in a non-stressful situation and talk to them about their job.

They are just now going to move forward on implementing the terms of the contracts that have been approved or will be funded at town meeting but the pieces that are non-funded they will start working on job descriptions and performance evaluations for all these groups that they have navigated. There are a lot of things going on but all good stuff.

Motion by Christopher Mitchell to adjourn at 10:03pm. Seconded by John Gray. **Vote 5-0-0**