

TOWN OF FOXBOROUGH  
SELECTMEN'S MEETING  
MAY 3, 2016

Members Present: David S. Feldman, Chairman  
Christopher P. Mitchell, Vice Chairman  
Mark Elfman, Clerk  
James J. DeVellis  
Virginia M. Coppola

Others Present: William G. Keegan, Jr., Town Manager  
Ms. Mary Beth Bernard, Assistant Town Manager  
Ms. Jess Enos, NPS, LLC  
Mr. George Bell, Stadium Advisory Committee  
Attorney Upton, Red Robin & Trader Joe's  
Mr. David Ford, Manager, Red Robin  
Mr. Paul Godin, Historical Commission  
Mr. Taylor Ford, Historical Commission  
Attorney Karen Simao, Hilton Garden Inn  
Mr. Scott Liebman, Hilton Garden Inn

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

James DeVellis read the agenda.

Mr. DeVellis stated where it is after the town elections he wanted to give from himself and the Board a thanks to John Gray who served very well for three years plus all the years he served on the Advisory Committee and many different committees and subcommittees through the years. He did great work over the three years and he will be missed and as progression goes the Board has a new fresh set of eyes from Mark Elfman who was successful in winning the election.

Mr. DeVellis explained that what he was going to do is start out with Citizen's Input and then they will give Dr. Elfman time to say a few words after Citizen's Input.

**7:00pm – Citizen's Input**

No one was present.

**7:05pm – Selectmen's Update**

Dr. Elfman thanked everyone who came out yesterday to vote. It was a miserable day but it was an okay turnout from what he understands. Dr. Elfman stated those that came and voted it was very much appreciated and those that voted for him he wants to thank quite a bit. It was a heck

of a learning experience the whole past five weeks but one he enjoyed. He thanked his committee for helping him along with this process and giving him a chance to learn and giving him advice he needed. Stephanie and Mark were unbelievable and helped quite a bit. Certainly his family; Linda his wife who swore that she at no time would be manager of his campaign but was there every step of the way answering phones and doing what needed to be done behind the scenes and he can't thank her enough. Some of the school kids Ryanne McGowan helped quite a bit and his son Dylan and his crew of friends and teammates; holding signs and Ryanne coming after school yesterday were outstanding. He is looking forward to this opportunity.

Mr. DeVellis had a shout out to the nine candidates for School Committee and the Board of Selectmen. It was a very positive campaign he always liked the fact that new people are running with new, fresh ideas and it was good to see new people come in and get involved. Also, the unsung people that also ran but that were not contested and their names just don't come up. There were a whole bunch of people that ran for many boards and committees that people got voted into so thank you to them for putting their hats into the ring.

May 9, 2016 is their Annual Town Meeting and there are 29 articles. These are the nights that will dictate tax dollars spent and processes and things that happen over the next year. If you have time to come, please come as Mr. Dunau had stated, 19% wasn't a great turnout for the elections and they are struggling for a quorum at town meeting and it is difficult to move things forward and get consensus easily.

Mr. Feldman stated that he wanted to echo Mr. DeVellis' comments regarding John; he thought he brought a unique perspective to the board and they got a lot done this past year and the year prior so he wanted to thank him for his service. He also welcomed Dr. Elfman.

Ms. Coppola wanted to echo that also but she also wanted to remind people that Household Hazardous Waste Day is this Saturday.

Mr. DeVellis stated that the flagpole was removed and gone. This week hopefully they are going to be digging the foundation and putting that in. There is a campaign out there to reach out to everyone in town; if you go to the Recreation website there are forms that you can download and fill out and it is very simple; who you are, where you live and some thoughts of things that are going on in the town buried in the time capsule at the base of the flagpole and open it up fifty years from now so hopefully the younger generation will be able to open it and see what is going on in their recent past. Take a minute to do that; there is a whole bunch of drop off places around town that they can send it or E-Mail it. They are shooting for Memorial Day, May 30, 2016 to have a ribbon cutting ceremony for that.

Mr. DeVellis stated that on Town Clean Up Day, 400+ people signed up and he thinks it was all of that there. A shout out to AJ Dooley, Jack Authelet, Tina Belanger and the committee that put it together, Fish & Game, Jake n Joe's and many others. It was just nice to get all ages there spread out through the town and they did a herculean effort. Mr. Keegan stated that they took in 1,400 bags which was actually less than last year; there was about 1,600 last year and as Jack Authelet said, they are heading in the right direction. Mr. DeVellis stated what is even nicer about that is, this year they were approached by a group from Mansfield but it was a national

group that wanted to give them assistance to do it on a higher level and they said graciously thank you but they can do this and it is nice to do it locally and it worked out well.

Tomorrow morning there is a contingent of them going to the House and Senate to codify and bring it to reality the town meeting warrant home rule petition that they did in the fall for the enhanced reporting and training for the Child Sexual Abuse Awareness Committee. The State grabbed on to that and they are looking at bringing that throughout the whole state so it will be at 10:00am tomorrow at the House and Senate and they should have a good discussion and hopefully they will bring back some good news.

### **7:11pm – Selectmen Reorganization**

Mr. DeVellis stated that they do this every year and what it is, is that they follow Robert's Rules. They have a Chairman, Vice Chairman and a Clerk. Through the Chairman, what he is going to do is that he is going to ask for nominations for all three and he will start with the chairman work through that and then they will go to the vice chairman; work through that and then go to the clerk. Anyone can be any position; Dr. Elfman as a newcomer can be nominated and sit on any position and any of them can sit in the same positions or they can switch. He is going to ask for nominations and they do not need to be seconded and they don't have to be run by the chairman so if you have a nomination say "I want to nominate so and so" and he will follow up with that process. If there are two people whoever gets nominated first they address that and have a discussion and they will vote on it and they will go to the second nomination, have a discussion, vote on it and then move on to the next position. That is Robert's Rules and that is what they loosely follow; it is not a bylaw but it usually works for them. Lastly, as Chairman; even though the chairman may be changed at the beginning he will still follow that process until all three new positions are filled and then they will change chairs and the new chairman will follow with the agenda items.

Mr. DeVellis asked for nominations for Chairman. Christopher Mitchell nominated David Feldman for Chairman. Mr. DeVellis asked if there was a second nomination in which there were none.

Mr. DeVellis asked for discussion on David Feldman for Chairman. Mr. Mitchell stated that it had a nice ring to it. Mr. DeVellis stated that from his perspective he is not interested in being chairman, there is a lot of work and he is looking forward to someone jumping on it and bringing it forward. Mr. Feldman has two years under his belt and he has handled not only the Selectmen things pretty well but he is on other committees and he brings the information and is a good facilitator so he is very happy for that nomination.

### **Vote 5-0-0**

Mr. DeVellis stated the second nomination is for Vice Chairman. David Feldman nominated Christopher Mitchell. Mr. DeVellis asked if there was a second nomination in which there were none.

Mr. DeVellis asked for discussion on Christopher Mitchell for Vice Chairman. Mr. DeVellis stated that Mr. Mitchell is attentive to all the rules that he had as Clerk and it was all positive.

**Vote 5-0-0**

Mr. DeVellis asked for nominations for Clerk. Mr. DeVellis nominated Virginia Coppola for Clerk. Ms. Coppola declined. Christopher Mitchell nominated Mark Elfman.

Mr. DeVellis explained to Dr. Elfman that they get packets every week and the Chairman usually sets the agenda with the Town Manager and staff and once in a while the Chairman will send something out to get a consensus or add something then the agenda is set. Anything that has public hearings and things he is responsible for reading it and his name will be on it as clerk so he will be the responsible party in the newspaper. Each year they have done it differently but last year the Clerk made the recommendations and the motions. It is a good position for a new person coming in because you learn a little bit quicker by doing it.

Mr. Mitchell asked if they were fine for tonight with him finishing up as clerk because there are a lot of items. Mr. DeVellis stated that is fine. Mr. DeVellis stated that some of the items in the packet if he is not comfortable; some are critical path items that they need to vote on tonight but he told Dr. Elfman not to feel shy about saying he hasn't looked at it because there is no sense in voting on something if he just got it today.

**Vote 5-0-0**

Mr. Feldman stated under Mr. DeVellis' leadership this past year they got a lot done and hopefully they can continue that trend going forward so he wanted to thank him for his leadership.

**7:20pm – FY17 BOS Meeting Calendar Schedule**

Mr. Feldman asked if anyone saw a conflict and that these are subject to change based on work schedules and things that come up but on the surface they look okay.

Motion by Christopher Mitchell to approve the revised Board of Selectmen meeting dates for the remainder of 2016 through June of 2017. Seconded by Mark Elfman. **Vote 5-0-0**

**7:21pm – Action Items**

Mr. Keegan stated with respect to Item #8 (gift donation to the YMCA – The Friends of Sharon Wason Pavilion) he was going to ask the Board to forego action on that tonight and they will revisit that at the next meeting.

Motion by Christopher Mitchell to approve the March 22, 2016 Board of Selectmen meeting minutes as amended. Seconded by Virginia Coppola. **Vote 4-0-1 with Mark Elfman abstaining**

Motion by Christopher Mitchell to approve the April 5, 2016 Board of Selectmen meeting minutes. Seconded by Virginia Coppola. **Vote 4-0-1 with Mark Elfman abstaining**

Ms. Coppola asked if Mr. Sullivan's concerns on pages 2 and 3 of the April 5, 2016 minutes had been addressed. Mr. Keegan stated that Mr. Sullivan had stated that there was a 25 minute delay and they checked on that and it was actually only a 10 minute delay. Ms. Coppola stated that he had a number of issues about parking and he wanted to talk to the Planning Board. Mr. Keegan stated that he had spoken to both Planning and Police and he will follow up tomorrow to see if there is any update on that. Mr. Mitchell asked if they could get an update on that for the next meeting.

Motion by David Feldman to approve the April 12, 2016 Selectmen's meeting minutes. Seconded by Virginia Coppola. **Vote 3-0-2 with Christopher Mitchell and Mark Elfman abstaining**

Motion by Christopher Mitchell to approve Michael Kelleher to the Board of Recreation as the Conservation Commission Representative expiring on May 1, 2019. Seconded by Virginia Coppola. **Vote 5-0-0**

Motion by Christopher Mitchell to accept the gift donation in the amount of \$105 from Anonymous for the Lock Box Safety Program to the Council on Aging. Seconded by Mark Elfman.

Mr. Feldman asked Mr. Keegan to refresh everyone's memory of what the lock box program is. Mr. Keegan stated it is a program that has been put in place in cooperation with the Fire Department and Council on Aging where they have been accepting donations and installing lock boxes on elderly residents' homes so in the event there is an emergency there will be access into the home to get to the senior in distress. It turned out to be a great program and it is very popular and a lot of people have participated in it.

Mr. Dunau stated that they did a story on that about a month ago and that program is also in place for just about every commercial building around the center of town so if you see a little box outside an office including their own office, that is basically what they will be installing in any persons house that contacts them.

**Vote 5-0-0**

Motion by Christopher Mitchell to accept the gift donation in the amount of \$120 from the Friends of Foxboro Seniors to pay half of the Tai Chai Class in March 2016 to the Council on Aging. Seconded by Mark Elfman. **Vote 5-0-0**

Motion by Christopher Mitchell to approve the Annual 5K Road Race and Kids Run on October 9, 2016 from 9:00am – 12:00pm from the Hockomock Area YMCA. Seconded by Mark Elfman. **Vote 5-0-0**

Motion by Christopher Mitchell to accept the gift donation in the amount of \$30 from Edward & Roberta McIntyre to be placed into the Law Enforcement Drug Fund to the Foxborough Police Department. Seconded by Mark Elfman. **Vote 5-0-0**

**7:30pm – NPS, LLC Public Hearing - Application for Monster Jam - Jess Enos, George Bell**

Christopher Mitchell read the public hearing notice.

Ms. Enos stated that they are requesting an event license for Monster Jam. This year they are requesting Saturday, June 25, 2016. This will be the third year now they have hosted this event at the stadium. There are no significant changes whatsoever at this time, for this event, from the previous two years. They will continue to operate as they have in the past with a pit party experience that will begin sometime between 1:30pm-2:00pm and that will take place in the East Club lots and it is a fan experience for fans to come in and see the trucks, touch the trucks and meet the drivers. The actual program itself will begin at 7:00pm and from 7:00pm-9:00pm the program runs and it is a highly timed script and this is an entertainment product versus a sports product so with the exception of any accidents on the track itself, it ends right on time at 9:00pm. The production is a Feld Entertainment production and this is the second time they will have had them at the stadium this year; they had them two weeks ago for Supercross. They are very different products and different events but it was a really successful event two weeks ago. It is similar in that they use the same dirt. It is the dirt that has been housed at the stadium for the last three years and it is stored across the street in the P-10 and P-11 lots and then trucked over. They book a State Police detail to facilitate that truck and make sure that the trucks cross Route 1 safely and onto their property. That work will begin on Tuesday and then runs straight through to Friday. There will be a practice like they have had in the past sometime on Friday afternoon usually between 4:00pm and 6:00pm. There will be extensive use of pyrotechnics which they have which is a key piece of the Feld product. Chief Hatfield has always had positive reviews to them and they are extremely buttoned up with respect to all of the operations specifically their pyrotechnics and it is a big part of their presentation.

From a fan standpoint, they see this as a big family event; a lot of parents with little boys. The biggest problem that they have from a customer service standpoint is that the parents will bring their children to this event for the first time and they don't anticipate the noise level so Feld does field customer service requests for refunds after the fact because that is a complaint that they get that fans come into the stadium and venue and they just don't understand exactly the product they are going to get and it can really be a little bit noisy for little ones.

In the past, they have not had any noise complaints at all from the community. The decibel levels haven't reached nuisance levels and the bursts are short when they are noisy so everything is done smooth from a North Street neighbor's perspective which is pretty important. The only issue that they had last year was they had slower entry than what they would have hoped and that was sort of a two-fold problem that they identified after the fact. One being the first year that they had Monster Jam they had that fan festival space in the West Club and they needed a larger footprint for the second year so they moved it to the East Club and in doing so you do restrict your turns coming from the north so they saw a snarl of traffic headed to the north because they

had cut off that entrance because they were using that space and also last year they saw attendance almost double so it was a great problem to have. They had higher attendance than anticipated and a lot of “day of sales” and as a result they ended up having more people in a traffic pattern that they hadn’t anticipated and knowing that now for year three they will make sure that they have a traffic plan in place that mitigates that right off the bat. It wasn’t the experience they would want their fans to have but it wasn’t a traffic back up even to a concert level but it wasn’t the experience that they want to put forth so it is something that is certainly on their radar and they will make sure that they are ahead of it this year.

Mr. Bell stated that there will be 20,000-26,000 people in attendance. Ms. Enos stated that they will do the same as the previous two years and it will be the entire lower bowl of the stadium; the 200 level and the clubs. There will be no sales in the 300 level and they don’t anticipate going up into the 300 level; if they ever did they would certainly talk to the Chiefs first because it requires a different level of scheduled details and then there is also that safety zone that exists for the first 10-12 rows that are wrapped all the way around the stadium for an added layer of safety for their fans. Almost the first third of all of the sections of the 100 level are covered and blocked off.

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

Motion by Christopher Mitchell to approve Monster Jam for Gillette Stadium on June 25, 2016. Seconded by Mark Elfman. **Vote 5-0-0**

### **7:37pm - Action Items (Cont’d)**

Motion by Christopher Mitchell to accept the gift donation for use of the Stadium from the Kraft Organization for the Mother/Son Dodge Ball Tournament on May 13, 2016 to the Friends of Recreation. Seconded by Mark Elfman. **Vote 5-0-0**

Motion by Christopher Mitchell to approve the One Day Beer & Wine License for their 25<sup>th</sup> Anniversary Ride to Benefit the Joe Andruzzi Foundation on May 21, 2016 from 2:00pm-8:00pm with a Rain Date of May 22, 2016 for the Blackstone Valley Harley Group. Seconded by Mark Elfman. **Vote 5-0-0**

Motion by Christopher Mitchell to accept the gift donation in the amount of \$1,500 from Masonic Angel Foundation, Inc., to be used towards scholarships for Foxborough residents for the Booth Summer Program to the Recreation Department. Seconded by Mark Elfman. **Vote 5-0-0**

Motion by Christopher Mitchell to accept the gift donation in the amount of \$250 to be used for the Annual Touch-A-Truck Day from the Mom’s Club of Foxboro to the Recreation Department. Seconded by Mark Elfman. **Vote 5-0-0**

Motion by Christopher Mitchell to accept the gift donation in the amount of \$2,125 to cover the registration fee for 5 children to attend the Booth Summer Program from Igo Cares to the Recreation Department. Seconded by Mark Elfman. **Vote 5-0-0**

Motion by Christopher Mitchell to accept a gift donation in the amount of \$400 to cover the rental of the inflatable movie screen from Bainbridge International Inc. to the Recreation Department. Seconded by Mark Elfman. **Vote 5-0-0**

Motion by Christopher Mitchell to appoint Mark Stopa to the Foxboro Cable Television Advisory Committee expiring on May 1, 2017. Seconded by Mark Elfman. **Vote 5-0-0**

Motion by Christopher Mitchell to approve the appointment of David R. Udden to the Foxboro Cable Television Advisory Committee expiring on May 1, 2017. Seconded by Mark Elfman. **Vote 5-0-0**

#### **7:40pm – Red Robin – Application for New Officers/Directors – Attorney Upton**

Attorney Upton stated that what they have in front of the Board is an Officer change at the corporate headquarters in Colorado; one is leaving and two more are being disclosed and it implicates no changes in the store here; no effect on the floor plan, the menu, any aspect of the operation in the Foxborough restaurant or any restaurant in Massachusetts. It is a corporate filing that the ABCC requires.

Mr. Feldman asked if this was just procedural at the home office and no effect at the restaurant level. Attorney Upton stated no effect in Massachusetts at all.

Motion by Christopher Mitchell to approve the two new officers for Red Robin. Seconded by Mark Elfman. **Vote 5-0-0**

#### **7:43pm – Town Manager Update – William G. Keegan, Jr.**

Mr. Keegan stated that there is a lot they have been working on primarily getting ready for town meeting and the preparation for that; getting ready for a last minute discussions and ratifications and clarifications of things. They met with AdCom last week and finalized all their actions with them and everything seems to be in good shape at this point in time. They are clarifying one item right now but hopefully it will be resolved by tomorrow.

As far as earlier today he actually met with the YMCA with their leadership task force and they met to go over looking at various ways they can work together in the community and identifying what the priorities and social issues that the YMCA can actually help work with them on. It was a very good meeting with Representative Barrows, himself, Vicki Lowe and Captain Mike Kelleher were there on behalf of the town talking about the various issues and they are going to continue to talk. It is part of their strategic plan to reach out to the community to find out what is going on in the various communities they are located. They met for about an hour and a half which was a very good discussion about topics that are very important to them. One of the things of course was the Opioid epidemic and ways they can work together on that. They had

just met earlier in the afternoon with another task force meeting on that and they are carrying forward on the work with that group. They had another presentation today from the District Attorney's office and they are planning a presentation possibly in September, an educational session that could possibly be held potentially at Showcase Live showing a film as well as a panel discussion on this particular topic. They are all about working on public education and that was the message he wanted to carry to the YMCA today was there are lots of areas where treatment is being done but the public education pieces are still lacking and that is something they are going to continue to work on together so that is their priority right now. Last weekend was Public Drug Take Back Day where it was done at the Police Department on the same day as the Spring Clean Up and they had over 300 lbs. of drugs turned in which was triple the amount that they picked up a year earlier so the word is getting out about that which is good news but adversely on the drug overdose scenario statewide it is almost touching 1,400 in the past year so they are very concerned about that because that is a significant increase just in the past three years. They need to do more and it is a priority in a lot communities and he knows it is a priority at the state level and it is clearly a priority with them and they are going to do as much as they can to get involved and do whatever they can to educate the public on that.

#### **7:47pm – Assistant Town Manager Update – Mary Beth Bernard**

They posted the Police Chief job posting, it went live at midnight on May 1, 2016 and she gave the Board a copy of the brochure. They are doing an online campaign for the Mass Police Chiefs, the International Association of Chiefs of Police, Mass Municipal Association, and they did a mailing of this brochure to all the Massachusetts Police Departments and that went out today so it has been two days and they have already had a robust response. The posting is open until June 1, 2016 so she anticipates quite a few resumes from all across the land and several phone inquiries so she thinks they are well on their way. Concurrent with this process, they will be issuing an RFP this week to look for a consultant to help them with the end of the process; the two-day assessment center that they discussed at the last meeting. That will be held prior to recommending candidates to the Board and before the names go public. She will keep the Board updated on that at the next meeting.

Mr. Keegan stated that one of the things that he has been focusing on trying to do is get an evaluation of the department as is; as the current department stands and have an outside person come in and look at it not in any way to be critical but to give a sort of state of current affairs and to provide the new chief a road map; a set of priorities and issues that the department needs to address over the next couple of years. He actually took this approach in his previous position and found it to be very helpful for the Chief and also looking at the organization to see the recommendations that might come out of that. It is good to have an outside set of eyes and then also to provide the new chief with a document that they can work off of so they can understand clearly what the important issues are for the department so that is something that they are trying to focus on to get in place at this point.

Ms. Coppola asked if they were going to have the opportunity to interview the finalists. Mr. Keegan stated yes. Ms. Coppola asked if they will have access to that document that he is talking about. Mr. Keegan stated yes.

Dr. Elfman asked what the best scenario was going to be going forward, for example; the cutout is going to be June 1, 2016 what happens then, a cut down, when does the Board of Selectmen get involved. Ms. Bernard stated that they set out a timeline and she will E-Mail him a copy of it tomorrow but they sent out an E-Mail on May 1, 2016 concurrently with issuing the RFP for the end of the process assessment center with a private consultant but in the meantime Ms. Bernard, Mr. Keegan and Mr. Feldman or his designee will screen the resumes at the conclusion of the posting period. Then they will conduct phone interviews and at this point they have 80% of their candidates. The early candidates are from out of state so she knows they will get the local candidates and they will begin to apply as the process gets late; local people don't like their names to be out there although they are going to keep it confidential until the last minute. They will then convene after phone interviews/screenings and they will convene an interview panel to be determined and they will probably have a concurrent process with some public safety experts in one room and town department heads, members of the Board of Selectmen and committee people in another room. They will run the candidates through both interviews; the two interview panels will come together for a consensus decision on who should go to the next step and the next step would be the assessment center. They are hoping at that point to have no more than six candidates. To have a two-day assessment center with a private consultant running the process with experienced assessors, they are usually retired public safety people and town managers. They will make a determination of who the recommended finalists are and at that point they would bring them to the Board of Selectmen and they will go public (the names will be public). Dr. Elfman stated that it is not public until the last three. Mr. Keegan stated that is right. Ms. Bernard stated that they try to guarantee confidentiality and they are using an online applicant tracking system that is new to the town this year so there is really not a lot of paper resumes floating around; it is all one password protect and right now she has the only password and then Mr. Keegan will be able to review them and also Mr. Feldman can review them on line once the posting is closed. The Chief is leaving on September 30, 2016 so they plan to have a candidate in place hopefully September 15, 2016. They have a timeline mapped out and hopefully the timing will work.

Mr. Feldman asked Ms. Bernard to refresh their memory how the consultants are selected for the assessment center. Ms. Bernard stated that the town would issue an RFP which they would post it in the Mass Municipal Brochure and it would also go out to anyone who is listed as a consultant who does this type of work. They would tell them what the scope of services are that they are looking for; a two-day assessment center; 6-7 exercises and if you look at the variety of competencies they are requiring for this police chief, there will be exercises that will assess those competencies and then at the end of the two days the consultant will score and recommend. The RFP will go out, they will require that it comes back in and then they have a very specific purchasing requirement where they have to rate the consultant's proposals from highly advantageous down to nonacceptable and based on the selection of the criteria of how they responded, how their price is and what their protocol is and what meets their needs, the one that closely meets their needs then that is the one they will select and you will send a letter to them and contract with them. Mr. Feldman stated that is a whole process in itself. Ms. Bernard stated that it is and fortunately for them Ms. Armando has just completed all of the certified purchasing courses so she is working hard on issuing the RFP and she has a network of people and classmates that have helped her with that and Ms. Bernard and Mr. Keegan have been through this process quite a bit so they will work with her on the RFP. Mr. Keegan stated that there are

not a lot of consultants that do that work so they expect to get 3-4 at the most. Ms. Bernard stated that there are probably less than ten that do this all the time and in Massachusetts probably three to four but they wouldn't preclude an out-of-state person. There are a lot of local communities that are using consultants from outside that are doing a fine job.

They are also working hard on a compensation study with a consultant that they contracted with that is part of their Steelworker's negotiations to reopen the collective bargaining agreement for FY17. They are doing a study of all the job descriptions and of all the positions to create a new compensation plan. The consultant is going to work on the compensation piece and she has been doing the job descriptions; one on one interviews with the employees so that is going to be about a six month process and they are in month four right now. They do anticipate by July, she is going to meet with the consultant next week and they are going to be putting a plan together, finishing wrapping up all the job descriptions and then roll it out and reopen negotiations in July. That has been a big project coming and it has been very valuable to meet with everyone about their jobs and talk to them about it so she will keep them posted on that.

They are dealing with the final steps on the warrant and town meeting preparation. After town meeting is over, the real work starts where they have to implement the terms of the contracts and make sure that people are compensated correctly and work closely with accounting on that and they also need to follow up on the implementation of the new Personnel Bylaw if it is accepted at town meeting then all the policy development will continue next year; they have done a lot of policies already.

Mr. Keegan stated for those interested in learning more about the dog park process that will start after town meeting and they will be making recommendations at the next Selectmen's meeting. Mr. Feldman asked if they were going to have regular meetings monthly or are you going to start off slow? Mr. Keegan stated that they are going to start off a little slow and then pick up the momentum as they get further along. It has to be during the summer time because it is hard to get people together; that is the challenge.

Mr. DeVellis asked if there were any updates on the 9-1-1 process. Mr. Keegan stated that the Regional Dispatch they have been working pretty hard on that process as well. They are having a meeting here on May 23, 2016 of all the communities and they reached out to the local dispatchers as well to see if they have an interest in attending the meeting to watch the process that they are putting forth identifying all the issues and identifying how the process is going to roll out. Mr. Mitchell asked where that meeting was going to be. Mr. Keegan stated that it is going to be at the Library at 10:00am and Ms. Bernard stated they can send the Board an E-Mail of the notice. Ms. Coppola asked if that was in response to the letter in which Mr. Keegan stated yes.

Mr. DeVellis asked if the town hall construction was going well. Mr. Keegan stated yes and the good news is they didn't find any ledge out there which is a plus. They have weekly construction meetings and the next one will be held tomorrow. The weather of course is not helpful at this point but it is not stopping construction either. The steel should be starting to go up sometime in July. The reinforcing steel for the footings and for the slab will be starting to go in this/next week. Mr. Mitchell asked if he had heard that they started hitting the foundation of

the old town hall. Mr. Keegan stated that there was an old foundation in the ground which they removed but there was also some rubble from the previous building that burned down and there was some concern that it was coal at first but it was actually burned debris. Mr. Feldman stated that the Town Hall Working Group was concerned about that and they did some test borings and they didn't hit anything and obviously it is like finding a needle in a haystack when you are doing borings but they were glad it didn't impact any frost walls. Mr. Keegan stated that fortunately they always carry extra money because you never know if you are going to hit ledge but so far it has worked out pretty well.

### **8:00pm – Trader Joe's Public Hearing (Cont'd) – Transfer of License and Appointment of Manager - Attorney Upton, David Ford, Manager**

Attorney Upton introduced himself and David Ford, the proposed Manager of Record and also the current Manager of Record.

Mr. Feldman stated that this is a transfer of license to a new entity. Attorney Upton stated that is correct; the license is currently a license held by Trader Joe's East Inc., and because of some corporate restructuring in conjunction with the ABCC they have determined that it makes sense to transfer the license to another Trader Joe's company so it is going from one bucket to another bucket and just like his previous presentation, there are no changes at the store of any kind and there are no changes at any Trader Joe's in Massachusetts in fact because the ABCC publishes the forms as they do, they have to reappoint the manager but he is the same manager who started when the store opened four years ago so nothing is going to change there either.

Mr. Feldman asked if the reason for reappointing the new manager is because it is for the new entity. Attorney Upton stated yes, anytime they have a transfer application you are appointing the new manager along with it so if you bring in a new person you appoint them and if you bring in the old person you have to appoint him also.

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

Motion by Christopher Mitchell that they transfer the liquor package store license from Trader Joe's East, Inc., to LLH, LLC. Seconded by Virginia Coppola. **Vote 5-0-0**

Motion by Christopher Mitchell to approve David Ford to be the Manager of the liquor license for LLH, LLC. Seconded by Mark Elfman. **Vote 5-0-0**

### **8:04pm – Historical Commission – Bristol-Boyden Native American Artifact Collection – Paul Godin and Taylor Ford**

Paul Godin and Taylor Ford introduced themselves to the Board. Mr. Ford stated that the reason they are here this evening is he sent a letter to everyone and they have been going through some of the artifacts that they have at Memorial Hall and in going through that they discovered that they had quite a collection of Native American artifacts. He brought with him a box and in 1986 the Commission was given a collection that was made up of two collections; a Bristol collection

and a Boyden collection. Mr. Boyden was a Foxborough resident and he actually lived in New York for most of his working career but he was a collector of historical items a lot of which consisted of Native American stone objects consisting of arrowheads, spearheads, clubs, knives; everything made out of stone. He put his collection together by buying smaller collections from other people. When he came back to Foxborough after he retired in about 1908 he brought his collection with him and he then passed away in 1916 and his widow lived on until 1943 and sometime between 1916 and 1943 Mr. Benjamin Bristol purchased all of Mr. Boyden's artifacts so they have a collection called the Bristol-Boyden artifacts collection at this point. In 1986 this collection was donated to the Historical Commission by Mr. Bristol through his son William. At that time the Commission had plans of displaying most of the collection but there is so much to the collection; there is close to 1,500 items; small items, mostly arrowheads. At Memorial Hall a display case has been set up and it has been there for many years containing over 100 items from the collection. The remainder of the collection from time to time has been put on display; in 1990 it was put on display at the Boyden Library. They had acquired a former jeweler's rotating case and points were put into the case so it would be a circular motion and people could come in and watch it going around. Several hundred points were displayed at that time. After that, the collection was brought back to Memorial Hall and everything was put together in boxes and pretty much ended up in the basement. This past summer at their meetings in July and August they began to discuss items that they had in storage and they came up with the discussion of the artifact collection and were trying to decide what they would do with that collection. They don't have the space at Memorial Hall to display this many items. This whole collection actually belongs in a museum that has devoted a huge section of their display area to Native American artifacts. At that time they decided to send out a letter to five different area museums. They sent it to the Roberts Museum which is in Middleboro which is connected to the Massachusetts Archeological Society; they sent it to the Peabody Museum in Salem; there is a Robert S. Peabody Museum in Andover which connected to the Phillips Academy and the Fine Arts Museum in Boston as well as there is another Peabody museum of Archeologically and Anthropology at Harvard University. The only one who was willing to give them some positive response on this was the Peabody Museum at Harvard so at that point getting a favorable response he sent them pictures that he had taken of the artifacts in the basement in boxes; just piles of boxes, no particular order. They looked at the pictures and decided that this was something that they were interested in; they do have a sizable collection and display area at the University in Peabody in the museum. When they got back to them and said that they were interested, they also decided they would like to come to Memorial Hall and view the collection. Before they came, Mr. Godin and Mr. Ford spent several weekends in the basement at Memorial Hall cataloging the entire collection. A lot of the items in the collection have a number on them that Mr. Boyden applied because he kept a ledger which they found a copy of; they didn't find the original ledger but they did find a copy of his original ledger which listed the item number and basically where it was found and who might have originally owned the collection before Mr. Boyden bought it from them. In doing this they discovered that the collection contains items from 31 states so this is not a Foxborough related collection. The display case at Memorial Hall contains what they feel to be items related to the Foxborough area (Foxborough, Wrentham, Plainville, Sharon) any items that they could pull out from the original collection that were found in this area so those are going to stay at Memorial Hall in a permanent display case. The remainder of items that Mr. Godin and Mr. Ford cataloged are now in boxes in particular order; they created boxes so that they know where item numbers would be if they wanted to find it in a

hurry. They showed this entire collection to two archeologists from the Harvard Peabody Museum who came to visit them on January 26, 2016. They looked over the collection, they took some pictures and they sat and talked with them for about an hour and 15 minutes and they went back and talked to their Acquisition Committee and they said yes they are interested and would like to obtain this collection. This is a donation from the Historical Commission to the Peabody Museum at Harvard University where they have the facilities to properly display them as well as they are going to use these artifacts for teaching purposes. They have quite a few students that obviously study archeology. With points from all over the country this gives them a great opportunity to try and learn how to recognize a point from a particular era. When you break down the Native American archeology in the United States, there are nine phases dating back 12,000 years and some of these points are close to 8,000-10,000 years old. Basically that is where we stand at this point. They felt that because of the size of the collection and the fact that it is something they hadn't done a lot of at the Historical Commission they would like to present the whole project to the Board and give them an idea of what has been going on at Memorial Hall. They put together two booklets one of which is a loose-leaf three ring binder that contains all of the documentation they have put together from newspaper articles, photographs and the excel spreadsheets that Mr. Godin and he put together containing documentation about the points and that will stay at Memorial Hall in the office. Mr. Ford also created a hard cover book which contains pictures basically as well as newspaper articles of what some of the points look like in the basement (larger items) and then the smaller items and they are just piled in boxes and there are white tags on each of the points. Some have numbers and they were able to match the numbers with Mr. Boyden's original collection. They also put them into state categories and they are all points from a particular state on the charts. This will also be available at Memorial Hall for future reference for people who might want to look at this as well as school children. Each of the three elementary schools in the town sends their second grade students to Memorial Hall once a year for a tour so this will be available for the tour and they can look at the display case that they have and look at some of those things and he put together a smaller box where he has taken out one or two points from each of the nine phases that they consider archeology phases so they can see how the point shape or size changed through the years right up until the contact period when Europeans began to contact the Native Americans.

Mr. Godin stated that the family has been contacted and they informed them about what they intended to do and they are in agreement with what they are going to do and of course they are going to keep the items that are in the vicinity and they also have representation from all the New England states that they are going to keep. He thinks they have a good representation and they are going to have about 175 of the items that will be retained. They would like to see this collection taken out of the basement because it is doing absolutely no good, it has been there as long as he can remember and he has been on the commission since 1996. Mr. Keegan stated yes, and to put it to good use. Mr. Feldman stated that obviously there was a lot of work put into cataloging all of those items. Mr. Keegan stated that he actually reviewed this with town counsel and it is their action to take. Mr. Mitchell wanted to thank them for cataloging all the books and binders and keeping the history still in this area. Mr. Godin stated that Mr. Taylor was a student when the collection first came about and when the Commission at that time was making inquiries about the items Mr. Ford was involved and shortly thereafter became an Associate Member and he has been a member for a long time on the Commission.

Ms. Coppola asked if at the Harvard Museum will it be credited as the Boyden/Bristol collection from Foxborough. Mr. Taylor stated that the reason they are here tonight is they haven't gotten back to the Peabody Museum officially. They know they are interested in donating the collection but they told them they had to do some paperwork here and they want to find out from them what is their next step whether they have forms that they want them to fill out or forms that give them some credit for sending it to them and how they are going to display it and so forth. They want to go through that process but they want to make sure that the town is aware that this is going to be taking place as a donation and they are not expecting to receive money for it but they think that the collection is valuable enough and they don't want to split it up or auction it off and they want the items to stay with the ledger that Mr. Boyden created because it gives them documentation which is very important when you are dealing with artifacts especially Native American artifacts that buy and sell on the black market and this is not the black market. This is obviously documented items that they can tell them exactly where it was found and who found it because they have a ledger created by the man who collected the items and that was the most important part of this whole project.

Mr. DeVellis thanked them for the tremendous amount of work they had done on this. When the letter came to them they understood what it was and they wanted to know if the Board had any concerns or questions and they talked about it and they have the ability if it comes to the Selectmen that it goes out to the whole town so everyone has the ability to see what they are doing and if they have questions so it can be a little bit of a process where you can wait and see if other people in town have suggestions or concerns and that is what this forum helps with. Mr. DeVellis stated that this is out of his league of intelligence of what they are doing with it and the questions he had, he went to Jack Authelet and asked his opinion and he pretty much echoed what they said of it is the right thing to do and we don't have the capabilities to show what we have for the betterment. The question he had for him and he still has, if you look back to what happened in North Attleboro a few years ago, someone donated an Afghan painting and low and behold they found out it was worth over \$1M and it started this whole train of do they sell it or keep it and who gets the value of it; does it go back to the person that donated it. Is there a monetary value on this so if it goes to Harvard and five years from now they decide to sell it, does the town get the first right of refusal or are we out of the picture. That mindset of what if it leaves Foxborough and doesn't become a display for the purposes that they want it to be for education and enjoyment do we have any rights to that afterwards. Mr. Ford stated that at the present time we don't have any rights they haven't worked out any agreement with the people at the museum but if he thinks that is a concern they can mention that to them when they get back to them. They don't have a value. Mr. DeVellis asked if there was a way to get an appraised value because he is sure when the museum is looking at it, they know what the value is. Do we have any idea of what the value would be in which Mr. Ford stated no. Mr. DeVellis stated that it might be a good idea (and he is at a totally different level than they are) to appraise it before we get too far and give them answer before it leaves Foxborough. Mr. Godin stated they are not the ones that are going to do the appraisal; it is not the Commission's responsibility. Mr. Keegan asked if there was someone who could do an appraisal. Mr. Godin stated that someone could do an appraisal but it is not the Commission's responsibility to get into that as far as he knows and that is what he remembers in their regulations and Ms. Coppola used to be a member of their commission at one time. Ms. Coppola stated in following Mr. DeVellis' thoughts could there be a condition that if they donated this, they cannot sell it and they would have to keep it. Mr.

Godin stated they could put something in there like that. Mr. Keegan stated and also that it would have to be returned to the town if they decided not to retain it for the purposes it was intended for.

Mr. DeVellis stated that Foxborough has done that in the past with things that are displayed that if it ever goes in a way that it is not displayed it is like right of first refusal but it comes back to the town for their ownership. Mr. Godin stated that there are things that they have done with other towns around them that they acquire items and they accept them from the individuals with the condition that they may turn them over to the proper town. They have done that constantly and other towns have done it for them so they get Foxborough items which they are interested in and they get say Norton items or whatever; they are very flexible that way and then they would just be assessing the item and indicate where it has gone so they could certainly put requirements like that in there. Mr. Feldman stated that there are different ways to structure the deal and they could go so far as having them display it on loan versus actually donating it to the museum and that way if you do it on loan the town retains all the rights to the artifacts. Mr. DeVellis stated that the dynamics are that you hate to see it in the basement where you are struggling with the climate and the humidity because he knows they have had problems with other things that are in the basement but looking back where the Bristol's and Boyden's purchased it and now it has gotten to this point to just give it away without getting some type of independent appraisal. Mr. Godin stated that it was a donation but they did discuss it with the family and they are in agreement with what they are doing. They are retaining what is part of Foxborough and surrounding towns and they have a few special items that they are retaining; they are unique in their way so they thought they should keep those and they have been on display for as long as he can remember.

Mr. Feldman asked Mr. Keegan how he wanted them to handle this; do they want them to proceed and work out an agreement and bring it back to the Board. Mr. Keegan stated that he could work with them to try and figure out some terms of an agreement. Mr. DeVellis stated that this is not a Board of Selectmen vote, it is their action. Mr. Keegan stated correct, it is just a recommendation. Mr. Godin stated that when you have a museum you want to be able to show all the items that you have and this is something that they have just not been able to do. If they had a larger facility that would be fine but they don't want to spoil the Memorial Hall.

**8:26pm – Colwen Management, Inc., d/b/a Hilton Garden Inn Public Hearing – New Beer & Wine License – Attorney Karen Simao, Mr. Scott Liebman**

Christopher Mitchell read the public hearing notice.

Attorney Simao stated that with her is Mr. Liebman the proposed Manager of Record and also with her she has a corporate representative as well as one of the consultants who currently is a manager at the Renaissance next door; same ownership of the company but who has really been helping them with the development of the plans to marry these two properties.

Mr. Feldman asked if this is available. Mr. Keegan stated yes, that the town has two beer and wine pouring licenses available at the present time and they are requesting one of them. Mr. Keegan asked Attorney Simao if they were planning on talking about the use of a liquor license

on both properties tonight. Attorney Simao stated that she certainly could talk about that meaning the contemplation of trying to use one license at both. Attorney Simao stated that what Mr. Keegan was referring to was they had explored the possibility as to since Colwen owns the adjacent property they were exploring the possibility of utilizing one license to cover both properties but unfortunately at this point they have reached a dead end with the ABCC due to the fact that as the Board knows properties need to be contiguous as well as adjacent in order to utilize one license to cover both premises. It would be great if they could do that not only from their business perspective but of course not tie up a license from the town. Right now they can't do that because of the very public way in between these two properties even though it is not a lot of space; that public way which of course is Patriot Place walkway to get into the area prevents them from the physical connection that is required for both of those properties in order to even begin a discussion with the ABCC about utilizing one license for both properties. She will say that they would very much like to proceed with this application and have the Board consider the application for the new license and down the road if legislation allows them to make some sort of change to that, they would certainly be open to that. Their preference frankly would be a full liquor license; this is a malt and wine only license so they are applying for what is available. If they were able to use that single license to cover both licenses that would be another advantage but it is just not possible as the statute exists today for them to be able to do that so the application as it stands is for the stand-alone hotel. She knows that the Board is familiar with the applicant, Colwen Management who currently own and operate the adjacent hotel.

They have to do this because it is a public hearing and she knows that the Board is aware more than anyone as to the public need for additional hotel space and the service that accompanies that and that is what they are really talking about here today. When they look at the factors under the Ballarin case they talk about needing to meet the public need and common good and what that means and the factors that are considered and of course one of the primary factors is the character and fitness of the applicant. The nice thing about this application is it is not a surprise; the Board has a track record with this particular applicant and their operation. Another one of those factors is the concept and its appropriateness at a particular location. Certainly the hotel operation including food service at this location seems to make a lot of sense and there continues to be a need as more and more people are drawn to the town both for the residents in town and so many that come in at this point to visit and so much of the development that has been the product of the hard work of this Board and the rest of the people in town. That need continues to increase and it is interesting one of the factors also deals with traffic and noise and having been to the Board before and knowing the concerns revolving around traffic, some of that stems from there not being enough rooms for people to stay; the current hotel is sold out on a very regular basis and this will alleviate a lot of that so they are excited to be able to offer that and to continue the relationship that they have built with Foxborough. They really see it as a partnership in being a real significant part of the community and wanting to continue to participate in the community. There will be 136 guest rooms and then meeting and function space as well as the restaurant and lounge area with some additional seating as well. In terms of the plans and what they set out for seating, the meeting room space would allow for 210 seats and of course that is meetings and functions as need is determined and the restaurant and lounge area is 143 seats which of course are static; those will be there whether or not there is a special event. There is also the outdoor space which is a nice addition to the property both for a pre-function area as well as standard outdoor seating and those total 105 seats out there.

Mr. Liebman in the package as the proposed Manager of Record has extensive experience in the hospitality industry. Again, this is not a stand-alone project with just this manager of record, Colwen Management, Inc., as the licensee continues to be the active corporate representative. Mr. Williams who is here and the Renaissance has played a significant role in really establishing these plans based on what he has seen is the need currently in participating in the current hotel and she thinks the Board will find these two projects will very much be working hand in hand with one another.

Mr. Elfman asked for clarification; both hotels, the Renaissance and Hilton are owned by the same company. Attorney Simao stated that the license is held by Colwen Management, Inc., currently for the Renaissance and that same entity is applying for this license which is not uncommon. That same entity owns licenses in Framingham, Worcester and Chelsea; they are in the hotel business, it is what they do and they do it well. Mr. Elfman asked if the Renaissance now has a beer and wine license in which Attorney Simao stated they have a full liquor license. Mr. Keegan stated that at one time there was some discussion with Colwen to look at the possibility that if the buildings could somehow be connected physically (they were trying to achieve that) the ABCC has ruled in the past that you would only need one license for both properties if owned by the same company. They had explored that possibility but apparently they couldn't reach that agreement or design factor so as a result they are before the Board for a beer and wine license. While it would be nice if they had a full liquor license, they don't really need one because they have one next door so this is more of a convenience factor. Hilton Garden Inns typically operate on a beer and wine license type of format because it is more of a travel type hotel as opposed to a full service hotel. They offer a lot of great amenities but if you were to look at hotels in terms of rating them this is a like a three level hotel versus a four star hotel so it is a step down because it doesn't offer as many amenities as say perhaps the Renaissance does. He does understand the request and it would have been nice if they could connect the two because obviously it would save them a license but having said that, it is not inconsistent with how Hilton Gardens operates on a national basis.

Mr. Mitchell stated that she had said earlier if there was a full liquor license they would want one. Attorney Simao stated that what she was suggesting was because the adjacent property has a full liquor license that would have been an additional benefit to them being able to use that one license to cover both properties. This operation is sustained typically nationwide on a malt and wine. It is not in theory a need for this concept, if there had been the ability to use one license for both locations it would have been an additional bonus for them. Mr. Mitchell stated that if one became available would they consider applying for a full all alcohol license. Attorney Simao stated that it would be need driven based on the hotel once it is up and operating; across the country that is not what they see as the demand but if they see the demand in Foxborough as a different one they would come to the Board and say this is the demand. She can't speak to what will happen in the future but she thinks that Mr. Keegan makes a good point which is that there is a full license right next door for a hotel operation so she thinks it would be need driven and a dialog with the Board to see if that made sense.

Dr. Elfman asked if Mr. Liebman was the Hotel Manager or the Food & Beverage Manager. Mr. Liebman stated that currently he is the Director of Room Operations at the Renaissance and he will be the General Manager at the new hotel.

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

Motion by Christopher Mitchell to approve the Beer and Wine license for Colwen Management Inc., d/b/a Hilton Garden Inn. Seconded by Mark Elfman.

Mr. Feldman asked when they would have their Certificate of Occupancy. Attorney Simao stated they are looking at probably August. They were also hoping to have an August opening but she thinks that has been delayed until probably the end of September for the actual open.

**Vote 5-0-0**

Motion by Christopher Mitchell to approve Scott Liebman as the Manager of the Hilton Garden Inn. Seconded by Mark Elfman. **Vote 5-0-0**

Motion by Christopher Mitchell to adjourn at 8:40pm. Seconded by Mark Elfman. **Vote 5-0-0**