

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
MAY 31, 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. Sue Collins, FCOD
Ms. Sue Burrows, FCOD
State Representative Jay Barrows
Ms. Jess Enos, NPS, LLC
Mr. George Bell, Stadium Advisory Committee
Mr. David Brown, 17 Merigan Way
Mr. Barnett Ovrut, Zoning Board of Appeals
Mr. Kurt Yeghian
Mr. Ryan Kelley
Mr. Thomas Buckley, Board of Assessors
Mr. Bob Hadge, Board of Assessors
Mr. Kevin Wallace, WFM
Mr. Rick Goodreau, United Consultants, Inc.
Mr. Christopher Gallagher, Town Engineer
Ms. Patricia Stevens, Mechanic Street
Mr. John Rhoads, Planning Board
Mr. Gordon Greene, Planning Board
Ms. Tracey Vasile
Attorney Kristen Scanlon, Big Night Venues
Mr. Edward Kane, Big Night Venues
Mr. Randy Greenstein, Big Night Venues
Mr. Robert Boette, Conservation Commission
Mr. Richard Golemme, Conservation Commission

The meeting was brought to order at 7:00 p.m. by David Feldman.

David Feldman read the agenda.

7:00pm – Citizen's Input

No one was present for Citizen's Input.

7:05pm – Selectmen’s Update

Mr. Feldman stated that yesterday the Memorial Day parade and speakers were canceled, it was a late cancellation due to the weather but they did in fact have the wreath laying ceremony because there were a lot of people there and it actually turned out to be very nice. It was very intimate wreath laying ceremony and everyone threw away their prepared speeches and spoke off the cuff including him. It actually turned out to be a nice event.

Mr. Feldman wished Mackenzie Leahy who was the Planning Department Intern good luck. She accepted a full time position with the Town of Medway Planning Department. She was doing a lot of work with the Economic Development Committee along with the Planning Board.

Mr. DeVellis stated that most of the events got cancelled because of the rain but he was happy with the turnout at 7:00am which was probably the worst part of the storm. The Legion was there, the VFW and Scouts and they had a good group of people that raised the flag; it went up to full mass and came down to half mass for the day and then they cranked it up midday so if anyone drove around today it is a 20’x30’ flag and it really looks nice. They decided what they were going to do and what they had planned after the Memorial ceremony, they are going to do this on Flag Day which is appropriate. It is June 14, 2016 which is a Tuesday at 6:00pm and they are inviting the public and they reached out to the VFW, Legion and Scouts so they are going to have a decent group and what they are hoping is that the public shows up and they are all going to participate and they are going to get a pair of scissors and a piece of the ribbon so the more people the merrier. He wanted to thank the Police and Fire departments who also showed up at 7:00am and Jay Barrows.

They have a time capsule they are going to try and put in the ground that night as well. They were going to shoot for Founders Day but it would be more appropriate to do everything on Flag Day.

The Board of Selectmen have been updating all the people that have donated and it is going to go in the paper but the three people from last week he wanted to mention; Chris McNamara from CMAC, Inc., ended up doing a lot of donation in kind services; Sabino Coscia has a landscaping business ended up donating sod at the end of last week. Mark Sullivan also donated lumber for the nice sign they had up of the thermometer so those people were not recognized before so he would like to recognize them now and he thinks that completes the list and they will close it up on June 14, 2016.

Mr. Feldman stated that it was a true community effort and wanted to thank Mr. DeVellis, Tina Belanger, Christopher Mitchell, Jack Authelet and Rachel Calabrese for spearheading that.

Mr. Keegan stated the flag that is there now (20’x30’) is not a flag that they are going to be using on an everyday basis; tomorrow they are going to replace that with a more traditional flag that will be flown on the flagpole. That is a ceremonial flag primarily used on special occasions for holidays such as Memorial Day, Flag Day and Veterans Day, and July 4th. There is a smaller flag that will be flown and he is told that they don’t last very long so they will be replacing them about every three months or so and they will be replacing those flags to keep them up to date.

The flagpole and whole area looks great, the patio, area around it and there is still more to come with the planters around it. Mr. DeVellis stated that they will be hopefully here next week. Ray Lyons is donating the self-watering pots; five large ones that are going to go around it and he said that he will do all of the top soil that is in there with a professional mix and provide all the plants. He also provided the geraniums that were around there this weekend. Mr. Mitchell stated that he met with him this evening and told him it was a special mix that has to go in there and he told him to save him the receipt and they would reimburse him but he said he would take care of it. Mr. DeVellis stated that is what you are seeing; he has spent a couple of weeks out there and Dale Wigmore is painting all of the rails (65 sections) so it has taken him 60 man hours to do that free of charge. You are seeing nice things happen.

Mr. DeVellis stated that he would be remiss if he didn't say when they did this project they tasked it (concrete, the pole/landscaping) and never really figured on a "Clerk of the Work"; someone that would put it altogether. The DPW stepped up and they were out there every day and they were treating it like it was their front yard. You like to see that because they usually get the brunt of when there are complaints about plowing or whatever but they took it upon themselves to make sure this got done. Mr. Mitchell stated that their original target date was Founders Day but Mr. DeVellis drove them to Memorial Day and they stepped up. Mr. Keegan stated that they did the flagpole raising itself and there were a lot of crew members there just to make sure that everything was taken care of and it came out really well.

Mr. Feldman stated a quick update on the Economic Development Committee; they are looking to do a Yield Study in preparation for a possible RFP for development of the Fire Station and Keating Funeral Home. There is a meeting tomorrow night and they will bring that back to the Board of Selectmen. They are still working on some zoning recommendations to bring forward to the Planning Board. They are working on a regular basis.

Mr. Feldman stated good luck to the Foxborough High School Girls and Boys teams; they made the state tournament (baseball, softball, girls tennis, girls Lacrosse and boys Lacrosse. He wanted to say good luck and everyone is behind them.

7:08pm – Foxborough Commission On Disability Above and Beyond Award Presentation – Sue Collins, Sue Burrows, State Representative Jay Barrows

Ms. Collins stated that she was representing the Foxborough Commission on Disability Committee (FCOD). They have begun an Above and Beyond Award to recognize special people who go above and beyond their duties to work with adults or children who have disabilities. These special people focus on a person's abilities and want to make their lives as full as possible. Sue Burrows is one such person. Michael Stanton the Principal at the Igo Elementary School wrote a glowing nomination about Ms. Burrows.

"Sue is a dynamic educator who sees potential and not obstacles in her students and their needs. At the Igo School she works with students ranging from those that are nonverbal and she communicates with sign language to children with milder disabilities such as anxiety. She displays compassion and warmth for each child. She is a model to her colleagues on how high expectations, hard work and love can make all the difference in the lives of children especially

those with disabilities. For years Sue has organized before and after school programs for all students. This year she has teamed up with Mike Stanton and the guidance counselors at the Igo to teach forty-eight (48) 4th graders who are members of the school's leadership academy to implement a modified version of the Best Buddies Program found at the High School and Middle School and is called "Buddy Up". Each student is paired with a younger student or a student with a significant disability. As part of promoting positive peer relationships, leadership academy students participate in adaptive physical education, adaptive music and art classes."

Ms. Collins stated that Sue Burrows also teaches a number of Foxborough High School students in the PAVE Program which stands for "Partnership Academics Vocation and Excellence". She teaches them to swim and develop an understanding of the use of various physical fitness equipment in order to lead a more independent and healthy lifestyle. Sue is also the force behind our district's participation in Special Olympics which just happened the last week or so and she organizes the program; develops individualized training programs for the athletes; encourages all students to participate and interfaces with the Best Buddies Program to host a one of a kind pep rally for the Special Olympic athletes and their families. So they can think of no better individual who represents the qualities and philosophy for the Foxborough Commission on Disabilities Above and Beyond Award than Sue Burrows. She sees and builds on the gifts of each student and truly enhances the quality of life of individuals with disabilities. It is Ms. Collins pleasure and honor to present Sue Burrows.

Ms. Burrows stated that she is humbled and honored.

State Representative Barrows stated that he had a proclamation for Ms. Burrows on behalf of the Commonwealth of Massachusetts.

"Be it known to all that the Mass House of Representatives offers its sincere congratulations to Sue Burrows in recognition of earning the Above and Beyond Award from the Foxborough Commission on Disabilities. The entire membership extends its very best wishes and expresses the hope for future good fortune and continued success in all endeavors given the 31st day of May 2016 by Senator Robert DeLeo, Speaker and State Representative Barrows."

State Representative Barrows stated that he has heard a lot about Ms. Burrows and read the overview of what she has done and thanked her for what she does every day.

Ms. Burrows thanked the Commission and Selectmen for having her at the meeting.

7:14pm – Action Items

Motion by Mark Elfman to approve the Block Party Application to be held on Phillips Lane on 8/27/16 from 3:00pm-8:00pm with a rain date of 8/28/16. Seconded by Christopher Mitchell.

Vote 5-0-0

Motion by Mark Elfman to accept the gift donation in the amount of \$15 in memory of Ralph Guimond from Louise Hall to be used for programs to the Council on Aging. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation in the amount of \$370 from Audrey Boenig, Barbara Nordblom and Economic & Planning Systems, Inc., of Sacramento, CA to use for programs at the Senior Center to the Council on Aging. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation in the amount of \$100 in Memory of Ralph Guimond from Mr. & Mrs. David Lowe and Mrs. Jocelynn Tripp to be used for programs at the Senior Center to the Council on Aging. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to approve all (25) Commercial Parking Permits expiring on 6/30/2017. Seconded by Christopher Mitchell.

Mr. Feldman asked if they could approve them in bulk in which Mr. Keegan stated yes. Mr. Mitchell stated the amount per space why is it different; some are \$3.50 a spot and some are \$7.00. Ms. Jarvis stated they are nonprofit (charity).

Vote 5-0-0

Motion by Mark Elfman to accept Valerie Marshall's resignation from the Conservation Commission effective 5/16/16. Seconded by Christopher Mitchell.

Mr. DeVellis stated that on the bottom of her letter she said that she is willing to provide mediation and arbitration services. She has been doing this for a while as an accreditation that she has so if anyone in town needs that, or if any of the boards run into problems, she is a good resource and she will do that no charge. She has been on the Commission for a very long time and it wasn't an easy decision to leave but she did a lot of great work for many years so he just wanted to say thank you.

Vote 5-0-0

Motion by Mark Elfman to accept a gift donation in the amount of \$100 from the Foxboro Animal Hospital to the Recreation Department. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation in the amount of \$25 in memory of Ralph Guimond from Mildred Greene to be used for programs at the Senior Center to the Council on Aging. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation in the amount of \$200 in memory of Ralph Guimond from William & Theresa Bristol to be used for programs at the Senior Center to the Council on Aging. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept the Board of Selectmen Minutes of 5/17/16. Seconded by Christopher Mitchell.

Ms. Coppola asked if the Board would be getting an update on the Premier Courts matter in which Mr. Keegan stated yes.

Vote 5-0-0

Motion by Mark Elfman to approve a One Day Beer & Wine License on 6/16/16 from 7:00pm – 9:00pm for the Life is Good Kids Foundation Product Launch for Alex and Ani on behalf of Revival Brewery Company. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to approve the One Day Beer & Wine License on 6/16/16 from 7:00pm – 9:00pm for the Life is Good Kids Foundation Product Launch for Alex and Ani on behalf of Carolyn’s Sakonnet Vineyard. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to approve the One Day Beer & Wine License for Life Is Good Kids Foundation on 6/16/16 from 6:30pm – 10:00pm for the Charmed Night Out. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept the resignation of Joanne Pratt from the Council on Aging & Human Services Board effective 5/26/16. Seconded by Christopher Mitchell.
Vote 5-0-0

Motion by Mark Elfman to accept a gift donation in the amount of \$20 for the Dave Risch Memorial Garden from Noreen & Brad Kiff to the Conservation Commission. Seconded by Christopher Mitchell.

Ms. Coppola asked if they have any more information on that as she knows there was talk about a memorial for David Risch but this was the first she has seen of donations. Mr. DeVellis stated that there is a movement to get that built and they are going to talk about that at the next meeting. It is not fully public yet but it is going in that direction. It will be discussed at Monday’s meeting with the Conservation Commission so they are going to let them look at it first and then bring it to the Board of Selectmen Ms. Coppola asked if it would then be in the newspaper in which Mr. DeVellis stated yes.

Vote 5-0-0

7:23pm – Town Manager Update - William G. Keegan, Jr.

Mr. Keegan stated that there is an ethics discussion that he would like to have the Board’s take on at their meeting on June 14, 2016 and that is the discussion they have been talking about as far as donations and how that plays in the donation process and how they are accepting certain grants and gifts from individuals. Mr. DeVellis asked if it was more conflict of interest. Mr. Keegan stated yes, but it is the same thing and it is covered under the same state statute. He has been researching this and working with town counsel as well as the State Ethics Commission in understanding their opinions on this and he does have an update to provide to the Board at that next meeting. He will hopefully provide them with some procedures they think will address it

once and for all and put this behind us. It has been something that has been a concern for quite a while and he wants to try and get ahead of it and get this behind them.

The other thing that they have been working on and the Economic Development Committee has taken the lead which he is glad to see them doing is the topic of sewer infrastructure. What they would like to do at some point is have a really good joint discussion with the Water & Sewer Commission about coming up with a strategic plan for some of the extending sewer lines, particularly in certain areas of town because we know we have capacity now but we don't have the lines to actually carry the capacity and that is holding up some redevelopment projects and he thinks it is an important consideration to the downtown redevelopment. Developers have actually come to him and asked him to give them a clear answer on the sewer and that it would actually help them in determining whether or not they can actually go forward on some projects. He can't give them that answer because he doesn't have it so he thinks it is something that they should have a strategic discussion about how they can address it once and for all.

Mr. Mitchell stated that they had several meetings last year with all of the different boards and that was the gist of getting them a master sewer plan. Mr. Keegan stated that nothing really came out of that and he does think that the Water & Sewer Commission wants to do that but right now they are limited in terms of their funding capacity and they are waiting on a couple of projects to actually come through that are going to be purchasing sewer capacity to create some funding that will allow them to do some additional study of those systems. It is a bit of a timing issue but at the same time he thinks they should be clear on if that is the goal of both boards to come up with a strategic plan for doing that.

Mr. DeVellis asked if it would be helpful if a member or a couple of members from Water & Sewer come to this meeting when it is on the agenda. Other than seeing their meeting minutes, it is not televised and he doesn't have a clear understanding and it would be nice to have some type of dialog. Mr. Keegan stated that was his plan to try and have a joint discussion between the two boards so that they can have a dialog about what is the goal; what is the timing and what is the plan. They may have more plans than they know of and if that is the case they should just make sure that they are all working in the same direction.

The Premier Court discussion on the concern that had been raised, he did have a meeting scheduled that was supposed to happen today and it got postponed by the party so they are actually going to meet tomorrow at 3:00pm to hopefully get an answer on that and a plan for that.

Tomorrow is a very important call for the town. They are talking to Standard & Poors about our bond rating. Mr. Scollins put together an excellent presentation to provide to Standard & Poors. There will be several of them that will be present at that discussion and it is going to occur at 11:00am and hopefully they will be able to move forward on that front. Their plan is to sell bonds on June 9, 2016 at this point so obviously right now is a key element of that discussion and the bond sales and where our bond rating is. Right now he thinks the discussion is very positive and but he doesn't want to jinx the process and hopefully will keep things going in the right direction.

Starting tomorrow night he and Ms. Bernard will be attending the MMA Spring Meeting in Martha's Vineyard for the next two days (Thursday and Friday). The meeting ends around noon time on Friday, goes all day on Thursday beginning early in the morning and he has an early morning meeting with the Executive Board on Friday morning. They will be reporting back on that meeting the next time around.

In two weeks he will be attending the Locust Economic Development Summit which is being held here in Boston this year; it is the first time being held in Boston in quite a while. This is one of the best economic development meetings in the country. It is a three day meeting and hopefully he will be getting good input on what developers are looking for and hopefully get some perspective on where we are in Foxborough. A lot of people he talked to are excited about where Foxborough is right now and how we are situated. Our location is great and there are a few elements coming together now and there is a lot of interest out there and we haven't seen the actual fruits of those labors yet but a lot of things are being discussed so he is excited about where that is going.

Mr. Mitchell asked if there was an update on town hall. Mr. Keegan stated that they had a construction meeting this morning and the testing is due back this week and with any luck they should be back on track by the end of this week/first of next week. He is optimistic that they will get going again.

7:31pm – NPS, LLC Public Hearing - Application for Guns & Roses- Jess Enos, George Bell

Ms. Enos stated that they are requesting a license for two concerts on Tuesday, July 19, 2016 and Wednesday, July 20, 2016. It will be Gun & Roses at the stadium and both nights have Lenny Kravitz as the opener. This event is a Live Nation Show which is the same as four of the other concerts that they have planned for the stadium this summer. They are working through the Live Nation Cambridge Office and they are using Al Dotoli as their production conduit who is the same production company and contact that they have used in the past. They are requesting a parking lot open time of 4:00pm with gates at 6:00pm and the event is scheduled to start at 7:00pm. The end time they are requesting for this show is 11:40pm. The tour started back in April, they played their first date and they have gone extensively at is point through Central and South America and they have come back up and the event is running until about 11:30pm which is 15 minutes past the curfew they typically request so they are working with them to try and get them on stage a little bit earlier and the shows have been running until 11:50pm and they are working with them to end earlier and allow them to end earlier but what they would like to do now is request that 11:40pm end time so that they cover any need for them to extend beyond the original 11:15pm which they typically ask for.

The tour has been up and running now relatively incident free and the demographics are original so it skews significantly older crowds and there have been no significant behavioral problems or public safety issues in any of the previous states. As with any concert or event that they have at the stadium in the event that public safety officials would like to advance this concert at another

venue in another state they will be more than welcome to have the opportunity to facilitate it and cover any of the expenses that would be involved on their trip.

The ticket prices started at \$50 and went all the way up to \$280. The July 19, 2016 show is the first show that went on sale and sold out almost instantaneously as there is an incredible pent up demand; it has been 20+ years since they last toured. They put the second July 20, 2016 show on sale and it did not perform nearly as well so as of right now the entire 300 level of the stadium is closed for July 20, 2016 and they anticipate it will remain closed and they will go to reduced capacity for second show. They will be operating the taxi stand that they have been operating for the last three years successfully and they request that Putnam Parkway be open and available for public safety officials as well as select suite clients and other than that, there is nothing really different from this show than what they have seen for the rest of their shows for the summer.

Dr. Elfman asked for a sold out show, how many tickets is that. Ms. Enos stated that it depends on what the production elements are and where the site lines fall. For this show it is right around 51,000 but it could be anywhere from 45,000-55,000 depending on the staging elements that come in. For Beyoncé on Friday, it is smaller because the site lines are far more conservative and there are a lot of elements on the field that cast shadows and obstruct into the audience. It is also the set up too; all of their shows this summer are set in the South End Zone in place of the North but they have had acts in the past that have opted for a center stage, center field or a 360 set up and in that case capacities vary drastically.

Ms. Coppola stated that her only concern is that they are asking for an 11:40pm closing and this is on a Tuesday and Wednesday evening and usually their curfew is 11:15pm. If this were a weekend she would not have a problem with it, but it is a work night and there are still people that have to get up early in the morning to go to work. This is not going to be an acoustic evening; it is going to be loud.

Mr. Mitchell asked what the chances were of them continuing to work with them to see if they can get done sooner. Ms. Enos stated that they will and they will push as much as they can. She has been in contact with them and Dan Murphy has been in contact with the agent and promoter and contacts they have with the management of the band and they will continue to do that and by no means by asking for the 11:40pm now they are certainly not going to check off all of their list of things to do because it is important that they are the best neighbors they can be and be the least inconvenient when it comes to having events or having events on the weekdays because it presents a different challenge but she thinks that it is important that she requests 11:40pm this evening because there is a good chance that it will run that late; they don't have a ton of control over what Axle Rose decides to do. Ms. Coppola stated their curfew is 11:15pm and they are the licensing agency and a week night and that is going to be a loud concert. Ms. Coppola asked if there was anyone from the audience that was concerned about it.

Ms. Vasile, 8 Vandoorn - Ms. Vasile stated that honestly that is loud; she has been to Guns & Roses and that is loud for a week night. You don't have to get kids up the next day but there is that concern as well. If you have a curfew, a curfew should mean something. A lot of people are around there depending on the cloud cover that day and the way the wind blows, they can almost feel like they are at the concert themselves. She doesn't understand why we have a curfew if

every time they are asked to extend it especially on a week night we would do it. If it were the weekend she would say absolutely.

Mr. Mitchell asked if the Board had extended the curfew before. Ms. Enos stated yes, the two Taylor Swift dates and this is their first curfew extension since then that they are requesting. Mr. Mitchell asked if those dates were a weekend or week day. Ms. Vasile stated that they were both weekends. Ms. Coppola stated the Board was a little hesitant about doing it. Ms. Enos stated that it was actually totally different circumstances as well because they had licensed those two shows early in the year, long before the tour had even gone on the road so they had the original license, got back on the agenda and came back before the Board to have an open and honest discussion knowing that it was trending late and they weren't going to be able to make any changes so they came back before the Board two weeks before the event and requested the extension. Luckily they requested it until 11:40pm and she doesn't think it ran past 11:35pm. Ms. Coppola stated that the Board had advised them to inform the future concerts for the next year that their curfew was 11:15pm. Ms. Enos stated that they do. Ms. Coppola stated that if the Board says 11:40pm then it will go to 11:40pm. Ms. Enos stated that with the Taylor Swift request, it didn't go up to the extension.

Mr. Bell wanted to comment that Al Dotoli who is a very well respected production manager has been hired for that night and as attendees or as people that would monitor it, they coordinate with him based on any noise calls and they have been very cooperative to turn it down if there was a call which has been very infrequent the last two to three years.

Ms. Coppola stated that the expectation is that concerts end at 11:15pm and her concern is that it is a Tuesday and Wednesday; if this were a Friday and Saturday, there is a big difference between a weekend concert and a week day concert.

Ms. Vasile asked if a compromise could be to potentially say not to grant it tonight, there are six weeks left until this concert and just like they came in for the Taylor Swift concert to ask for it. Ms. Coppola stated that now they are setting precedence again because now next time this comes up they will say "you did it for Guns & Roses". Ms. Vasile stated that the Board did not have to say yes if they came in two weeks before but she personally thinks they will work with them to keep it down but she thinks if the Board turns the extension down now they will work just a little bit harder. She is not saying they have to vote it in, if they can't get it down and they come in two weeks before the concert, they don't have to vote it in, but at least give them some incentive to work hard to get it down to the 11:15pm. Ms. Coppola stated why don't they just license it for 11:15pm and then they have to get it done by 11:15pm because that is the curfew. Ms. Vasile stated that is what she is recommending for tonight and if they want to come back again they can. Ms. Coppola stated that is what they were concerned about the last time with Taylor Swift; they had licensed it for 11:15pm and then they came back two weeks before it and they wanted to change the time; you are setting precedence which you just referred to. Ms. Vasile stated that the Board can still say no now.

Mr. Mitchell asked Mr. Bell what the Stadium Advisory Board recommended; 11:40pm or 11:15pm. Mr. Bell stated that they recommended to the Board to approve it based on their review and they did state 11:40pm. A part of it also is, there is a different fan base than back in

1992 and it would have been a whole different set of issues but they didn't see based on Al Dotoli and the fact that they have had very few actual complaints. They probably over the last year have had maybe two with ten concerts and he has done a great job working with the Building Inspector so he has the ability to get it turned down and that is the only reason; he respects that 11:40pm is later and it is during the week. Ms. Coppola stated that he had stated that they had very few complaints but those concerts ended at 11:15pm. The only concert last year that didn't end at 11:15pm was Taylor Swift, all the other concerts ended at 11:15pm. If you already have an expectation that concerts end at 11:15pm and you go to bed knowing that you have to get up at 5:00am or 5:30am to go to work, 11:40pm is a big chunk of time when you are trying to get to sleep because you have to get up early in the morning. Mr. Mitchell stated that one of the compromises they could make is meet in the middle and say 11:30pm as opposed to 11:15pm or 11:40pm.

Mr. Keegan asked if there have been any concerns from the previous venues that have played this year about the time. Ms. Enos stated they have been going close to 11:40pm and they haven't had any issues with any of the licensing boards in any of the other towns. A lot of them have curfews of midnight and if they have had to go for extensions, it has been granted.

Mr. Keegan asked Chief O'Leary if he has heard any complaints from other venues about this particular concert. Chief O'Leary stated not on the particular issue concerning community noise. Chief O'Leary stated that the thing the Board should remember is that a lot of the facilities are in more urbanized areas and if it is in a suburban area he doesn't know where the house placements are. As Ms. Vasile had brought up, Pine Street and North Street might have a greater noise issue especially that late in the night as well as Walpole so it is hard to judge our apples with other apples across the country.

Chief O'Leary stated that one thing which is not directly related to noise is that at some of the other places that they have played, there hasn't been any major behavior issues that they saw back in 1992, probably the aging process has had an impact on that. It hasn't caused a ripple effect of poor behavior.

Mr. DeVellis stated that it was an interesting discussion because as concerts come in they look through the packet and he didn't see anything in there saying it was going to 11:40pm and he knows there was a line item but the Police, Fire and Stadium Advisory Committee, if it was discussed, it was not in their packet. Until Ms. Coppola brought it up, he didn't realize it was going to 11:40pm. Ms. Enos stated that it was a bullet point on the Stadium Advisory memo. Mr. DeVellis stated correct but he didn't realize it was almost a half hour later on a Tuesday night. The stadium is a fine balance because the urban/suburban mix is not the same as other venues and to kind of break ground on a rock concert on a Tuesday night at 11:40pm when people do need to get up for work the next day, it is not like it is in the middle of the city so this is a very unique situation and he is surprised that it got to this point without further discussion. It is not a huge deal but Tuesday night at 11:40pm is a big deal for a lot of those residents. Ms. Coppola stated and Wednesday because it is going to be two consecutive nights.

Ms. Enos stated that just so they are clear, they highlighted it in the application and it was a leading bullet point in the Stadium Advisory packet. Ms. Enos asked if the Board thought there

should have been other steps that they took in communicating this request. Mr. DeVellis stated that he didn't want to mislead her that it was hidden but to him it is a big deal on a Tuesday and Wednesday night to go to almost quarter of twelve on a work day so it should have been a leading point and he understands it is a bullet point, but it is the same weight as parking lots open at 4:00pm, gates open at 6:00pm time, start time at 7:00pm, end time at 11:40pm and they were asking for a waiver or something so it got past him. Mr. DeVellis stated that he thinks it is a big deal considering it is Guns & Roses this year and it is potential concerts next year using this as precedence and struggling in that area with traffic all those things throughout the years, they got to a comfortable place and this is a big change with respect to people on Pine Acres, Cross Street, North Street and all those people and the parking and the doors banging to get into their cars and leaving; granted it is not a football game but there is an impact to the neighbors so the half hour difference is a big deal to the neighbors and it warrants discussion on this Board.

Dr. Elfman asked when a band decides to come in to a venue and that venue says that they have an 11:15pm curfew that is set forth by the town, how is that translated back to the band; he knows that Ms. Enos stated they had discussions with them and they are trying to work out getting them on sooner but do they just automatically say that they will be able to bypass that or do they take things like that seriously. Ms. Enos stated that it varies from act to act. There are two main point people within the organization that are working directly with an act and that is herself and Mr. Murphy who is the Vice President of External Affairs and Business Development and what will happen is the town curfew is always listed in any contract discussions that they are having with an act so from the very first communication that they might have with an agent or manager with respect to routing a tour to come to the stadium the following year, one of the line items that is listed in there with a myriad of other issues is that the town has an 11:15pm curfew. That is a lot earlier; some towns have no curfew and others have curfews later, this is the earliest one that a lot of tours will encounter. They write it into a lot of the documentation that begins at the very start of the conversation and then quite honestly they are effective a lot of the time and they don't even need to come before the Board or reference it because of relationships that they have they are able to make sure going into a license hearing and going into an event that they are supremely confident that the artist is going to be respectful of that 11:15pm curfew and modify their show and their overall tour timing and respect it. There are times when there are all different elements that come into play. Last year with Taylor Swift the big issue was light, it was far too light for her to begin her show and for all of the pyrotechnic and lighting elements, the actual production of the show to actually really pop and be the performance that she wanted if she went on stage 30 minutes earlier so those 25 minutes extension that they requested allowed the show to go off with the same sort of artistic integrity that the artist had intended. It is different every time and most of the time it is not an issue most of the time they are comfortable knowing that the act/artist are going to be able to condense their performance by beginning earlier or do whatever they need to do in order to meet that 11:15pm curfew but there are times where they feel that it might be an issue and this is one of them. Dr. Elfman asked if the acts are pushing back in which Ms. Enos stated yes.

David Brown, 17 Merigan Way – Mr. Brown stated why not have the opening act start earlier and as far as the time of day and darkness he would put a little back on the band. They know when the sun sets in Foxborough and if that is an issue when they start looking for dates in Foxborough they should come later in the season when the sun goes down earlier. They can do

some planning also. Mr. Keegan stated the challenge to that is they run into football season. Mr. Brown stated that they can come in April or May and that they have some control over that in their planning and maybe the opening act could end earlier to get the main show on earlier.

Mr. Mitchell asked what the process is if it is the 11:15pm curfew and they play to 11:30pm do they have the ability to fine them in which Mr. DeVellis stated yes, it was listed in the back of the packet.

Mr. Feldman stated that his issue is the days of the week the concerts are happening. The Board has the ability to vote to approve this license at an 11:15pm curfew and hold them to that and he would certainly entertain the 11:40pm if it was a Friday or a Saturday night but being where it is midweek and there are a lot of residents within earshot of the stadium that have to get up and go to work the next day, he has to be cognizant of them as well.

Motion by Mark Elfman to approve the Guns & Roses Concert with an 11:15pm end time.
Seconded by Virginia Coppola. **Vote 5-0-0**

7:56pm – New Zoning Board Applicant Interviews – Kurt Yeghian, Ryan Kelley

Ryan Kelley

Mr. Kelley stated that he has lived here for two years and grew up in North Attleboro engaged to a Fertitta and her uncle is a Campos so there are a lot of ties to Foxborough. He works at a law firm based out of Milton and Taunton and his boss is a long time Foxborough resident Shawn Flaherty. He thought it might be time to get involved with the town. He served on the Zoning Board in North Attleboro for about a year and a half as an Alternate Member and he enjoyed it. It is a field of law that he would like to get more experience in just because he finds it interesting. He is a personal injury attorney so it really doesn't overlap with his personal interest; he just thinks it is interesting. He doesn't profess any in depth knowledge but he has studied up on it a bit and he does have some experience and he would really just like to start getting involved in his community and getting to know people. They have been here for two years and have no plans to leave and if the financial chips fall he would like to reside in Foxborough permanently. He thinks he was upfront in his application, he rents and he is not a permanent resident but he has no intentions of leaving.

Ms. Coppola asked if he had been attending any of the Zoning Board of Appeals meetings. Mr. Kelley stated that he did show up last Thursday and introduced himself to everyone that attended the meeting, but no he hasn't. He just started this job five months ago, he was an insurance defense attorney before that and he didn't have any free time. His new job is not by any means any easier but it does allow for more freedom of schedule and that is what allowed him to begin to pursue extracurricular interests.

Mr. Mitchell asked if any other boards in town interest him. Mr. Kelley stated yes and that he went with this one because he has experience and has a specific interest but he said on his application he would like to serve in any capacity he just thinks it is time to get involved in his community.

Mr. Feldman stated that his primary focus in law is insurance and personal injury. Mr. Kelley stated that it was insurance but now it is personal injury and he doesn't do anything else. Mr. Feldman asked if he had any background in zoning other than being an alternate member in North Attleboro, did he have any legal background in zoning in which Mr. Kelley stated no but he had taken a land use class at Suffolk.

Mr. DeVellis asked if he had read through the Foxborough Zoning Bylaws. Mr. Kelley stated that he did review them and he bought the MC Elite package on Zoning in Massachusetts and started reading up on that as well and he does find it interesting. His neighbor growing up was David Mangoogian and he is an attorney who does that very specifically and he grew up two houses from him and he would listen to him talk and he was one of those that when you went into law school you have no idea that this nuance of practice exists so that is what peaked his interest.

Mr. DeVellis asked when he was in North Attleboro as an Alternate his ability to read site plans and understand the hardship laws with respect to variances if he had any experience with that. Mr. Kelley stated yes and that there were a lot of use variances and he was a little harsh because he thought that the no viable economic use standard was a little bit more cut and dry than the rest of the Zoning Board, they approved everything and he thought it should be a little harder. They had a piece of property on Route 1 that was zoned for both residential and commercial and it was nonconforming use and they wanted to keep it going and they were pleading hardship. He said openly at the meeting that he thought land on Route 1 zoned for commercial use that has value to it just because you want it to remain quasi residential doesn't mean you deserve a use variance. There are a lot of dimensional variances where he would get an engineering packet and take a look at it; minor height variance type things. There are a lot of requests for chickens coops and pygmy goats and things like that so there was a lot of consideration about the character of the neighborhood and fights where neighbors would go back and forth and he would be involved in that.

Mr. DeVellis stated that he mentioned a relationship with some of the people in town, Mr. Campos is a real estate agent and very active and does Mr. Kelley have any business relationships in town with them. Mr. Kelley stated no, he is engaged to his niece. Mr. DeVellis stated as an attorney does he have any relationship with businesses that are going in front on the Zoning Board. Mr. Kelley stated no.

Kurt Yeghian, 5 Oakwud Terrace

Mr. Yeghian stated that he has been a member of the community since 2004 and he lived and worked as an architect in Boston before that so he has been here for 12 years and he is currently on the Economic Development Committee focused on working to improve the center of town and he owns a company that provides 3D laser scanning and building measurement services across to clients across the country. They measure approximately 40M square feet per year of different kinds of projects, academic to institutional so his background is really in the building environment and specializing in dimensions of existing buildings and existing spaces.

Dr. Elfman asked if he had sat in on any Zoning Board meetings to date. Mr. Yeghian stated he had sat in on a number of them and he had downloaded the bylaws and reviewed them and he doesn't claim to understand them all but he has done that and some due diligence. He was asked to join the board about a year and a half ago so he interviewed then.

Mr. Mitchell asked if he were to get on this board would he still stay on the Economic Development Committee in which Mr. Yeghian stated yes. Mr. Keegan stated that they are both appointed but there are no limitations/concerns on multiple appointments. Mr. Yeghian stated unless there were some type of legal restrictions he doesn't see why not. Mr. Mitchell stated that he remembered last year about this time he had applied for this same board as well.

Mr. Feldman stated that Mr. Yeghian with his architectural background could lend a unique perspective to the Zoning Board of Appeals especially where he has experience in a lot of cases with historic buildings and dimensional setbacks and how they relate to variances where if he was appointed would be asked to weigh in on.

Ms. Coppola stated that Mr. Yeghian had demonstrated an interest in the board applying for the position the last time around and he has been going to meetings and that says a lot and he has been in town for quite a while and has an understanding of the town policies. Mr. Yeghian stated that his family is here and he enjoys the community and he is trying to give back a little bit and do something. He doesn't need it for a resume of anything; he just wants to get involved.

Mr. DeVellis asked how long he had been the Committee Chairman for the Boston Society of Architects. Mr. Yeghian stated that he is the Committee Chairman of the Laser Scanning Committee and is not the Chairman of the Boston Society of Architects. He created that committee and one didn't exist until he brought up to the Boston Society of Architects that the technology that they are doing is really becoming more prevalent in the industry and that there should be a committee that educates the community about that and sets standards. Mr. DeVellis stated that he is a self-starter in which Mr. Yeghian stated yes.

Mr. DeVellis stated that a lot of the committees and boards that come in front of them take the applications and they vet it themselves and they come with a recommendation and asked if the Zoning Board had a recommendation or insight. Mr. Feldman stated they haven't seen anything come across.

Barnett Ovrut, Chairman of the Zoning Board of Appeals stated they did not as a board take a vote to make a recommendation. They invited both Mr. Yeghian and Mr. Kelley to their last meeting and they spoke with them and it was more for them to interview the Board and ask them questions than it was for them to interview them. It may very well be that his colleagues have personal opinions and they can certainly express them but as a board they did not take a vote. He would like to say that they have two qualified candidates and he personally would be very happy to serve with either of them and he would hope that the individual who is not selected would remain interested so if a position opened up in the future that individual would express interest once again.

Mr. Ovrut wanted to express appreciation for Neil Forester for his years of service on the board and for his leadership and his friendship. He thinks the town owes a debt of gratitude to Neil for his years of service that he provided.

Ms. Coppola stated just for clarification, this is the Associate position, not a full position in which Mr. Ovrut stated correct.

Mr. Keegan stated that he spoke with Neil earlier today and he was disappointed that he could be here this evening to address the board but he is in ill health and wasn't able to make it here tonight. He did want to say to everyone that he is grateful for the time that he served and is appreciative to this board and previous boards for having appointed him in this capacity.

Mr. Feldman stated that he thinks it is a little unique that the board doesn't make a recommendation but having said that it is put in front of the Board of Selectmen to fill this position.

Dave Brown, Vice Chairman Zoning Board of Appeals stated that they have two very well qualified candidates. They did attend their last meeting and they asked good questions about what they do and they talked a little bit about themselves. He wishes he could be more help on the decision but he assures the Board that either one is a good candidate.

Mr. Feldman stated that after interviewing both candidates they will bring it to a vote. Mr. Keegan stated that it is a matter of who has the most votes but he thinks they should put both names into the nomination procedurally. Dr. Elfman asked if they should do it one at a time in which Mr. Keegan stated that they should place both candidates into the nomination and then call in favor of.

Motion by Mark Elfman to vote for an Associate position of the Zoning Board of Appeals either Kurt Yeghian or Ryan Kelley to that appointment. Seconded by James DeVellis.

Mr. Mitchell stated that whoever wins he hopes the other person sticks around in town politics, there are a lot of other boards and committees.

David Feldman stated all those in favor of Ryan Kelley serving as an Associate Board member fulfilling Neil Foresters term raise their hand. **Vote 0-5-0 All opposed.**

David Feldman stated all those in favor of Kurt Yeghian becoming an Associate Board member fulfilling Neil Foresters term. **Vote 5-0-0**

8:14pm – Citation for Years of Service – Bob Hadge

Thomas Buckley, Chairman, Board of Assessors. Mr. Buckley stated that he thinks this is a great program that the Board of Selectmen started to do this. In the past they have had other members leave the Board of Assessors and they really weren't recognized by the town like they are tonight and his kudos to the Board for doing that. Mr. Buckley has known Mr. Hadge for many years and he has been on the board for 10 years and has been very valuable to the board

with his knowledge of appraising and real estate and really helped them during revalue years and things like that so he can't say enough about him. He knows he will still see his smiling face around town but just not serving on any more boards. He congratulated Mr. Hadge and thanked him for his years of service.

Mr. Hadge stated that it was an honor to serve on the board and getting to meet Mr. Buckley and other people who have come and gone and it was a great privilege and he feels it is a duty for a citizen if they have something to offer the town to do it. He enjoyed doing it and it happened to be his field so he was able to help out but his youngest child is graduating college and he wants to travel and do some other things. He told Ms. Simonds and Mr. Buckley that he is always there at their disposal if they need assistance on anything; he is not leaving Foxborough so if they ever need help with anything he is more than happy to help them but he appreciates the Board's recognition also.

Mr. Feldman stated on behalf of the Board they have an official citation.

***“OFFICIAL CITATION
FOXBOROUGH BOARD OF SELECTMEN***

The Board of Selectmen on the occasion of retirement from public service commends

Robert J. Hadge

on supporting the Town of Foxborough for many years of service.

Recognition is given to Robert J. Hadge for your selfless dedication and support to the citizens of the Town of Foxborough as a member of the Board of Assessors.

Thanks in large part to your expert knowledge as a professional appraiser and your extraordinary business experience, you have made the Board better prepared to face the challenges of the future.

Your contributions to the Board of Assessors will endure, and you leave the Board and the Town of Foxborough, far stronger, smarter and richer than it was when you joined.

The Board of Assessors is grateful for everything you have contributed for the past nine years.

We wish to commend your participation, leadership and dedication. Foxborough has benefited greatly from your years of commitment. Congratulations. We wish you happiness and continued success.

This citation is given under the seal of the Town of Foxborough on this 31st of May, 2016.”

Mr. DeVellis stated that he just wanted to say that he has known Mr. Hadge through the years and he has helped the Board out trying to explain to them when they do the different evaluations

how to understand it and present it to the businesses and residential when things shift. He also wanted to thank Mr. Hadge's wife Toni. Community service is in their blood and his wife probably does more community work than him with the sports. They truly put the time into the town and they do appreciate it. It is truly a family commitment that they put into this.

Mr. Feldman stated on a personal note he had a special place in his heart for their son Nick who helped his son out when he was a freshman and Nick was a senior so kudos to him on the way he brought up his children.

8:19pm – WFM/United Consultants – Earth Removal Permit 2 Summer Street Public Hearing – Rick Goodreau, Kevin Wallace, Chris Gallagher, Town Engineer

Mark Elfman read the public hearing notice.

Mr. Goodreau stated that the applicant is proposing to construct a facility to service his business which is the moving of cars basically transportation throughout the country of various types of cars. Some of the cars will be stored on the site when they are either being shipped from here to another location or from another location to this point. They have prepared a site plan and that plan has been presented to the Planning Board and they have received an approval from the Planning Board for the site plan as well as two special permits. They are here this evening because as part of this proposal they are looking for the removal of 12,600 cubic yards of material from the site. They have met with the Town Engineer, Mr. Gallagher, to review things. They had inquired with him regarding the DPW's decision if they would be interested in the loam material coming off the site and he indicated they would not but he would be here at the hearing this evening. That is the basic overview of the site plan and where they are and why they are there this evening.

Mr. Mitchell asked if there was a traffic route that they were going to use to remove all this. Mr. Goodreau stated the route would be out of the site taking a right and going right into Mansfield and then to 495 through Mansfield would be the preferred route. Obviously if the town wants some of the loam that route would have to altered but their plan for the removal is to go through Mansfield.

Mr. Mitchell asked Mr. Gallagher if there was any reason why they wouldn't want the loam, is it a storage issue. Mr. Gallagher stated the majority of it is storage and they just don't have any foreseeable projects where they would need that material; it is a large amount of material with a couple of new storage facilities behind the DPW yard losing the property across the street to the solar field, they just don't have the space for it and they also don't have any projects lined up where they would be using that type of material.

Mr. DeVellis stated that if the reason they are in front of the Board is that they have to meet certain requirements and one is the Board will inspect the site covered by the application and the second one is they have to notify the Conservation Commission and he assumes that they did that. Mr. Goodreau stated that they notified the Conservation Commission and they provided them with plans as part of the site plan process and special permits with the Planning Board and they did get a response letter from the Conservation Commission as part of that process and he

provided the Board with a copy of that basically stating that they had no concerns with the buffer zone.

One of the requirements is a reasonable fee and it was a \$50 application fee but then in their package it said "To Be Determined". Mr. DeVellis asked Mr. Gallagher if a fee had been set for the application on this. One of the reasons he was asking is there was supposed to be a physical application and he didn't see that in the packet with all the information on it. Mr. DeVellis stated for the engineering time to review this it is in the Board's authority to set a fee and it said "To Be Determined" so he is assuming that it is to be determined tonight. Mr. DeVellis asked Mr. Gallagher if he had spent time reviewing this and he didn't want to incur expenses to a business but if it is set up that way, the applicant had stated "To Be Determined". Mr. Gallagher stated that he did a site visit with Mr. Goodreau and they were on site for maybe half an hour and he did take a look at the plans realizing it was going through the Planning Board process so it was minimal because that was also reviewed by their consultant as well. It was a minimal amount of time spent and a fee relative to two hours' worth of time. Mr. DeVellis asked if it was not a full engineering review that he did in which Mr. Gallagher stated no, the full process went through the Planning Board process and their consultant reviewed it. Mr. DeVellis stated that he asked and he doesn't want to delve into the Zoning Board or Planning Board's conditions that were set on this but when he looked at this and looked at the regulations he went out to the site and 12,000 yards is a lot to take off a site and they are in an aquifer protection zone so the more they take off and lower it, it affects the drinking water supplies. He met with one neighbor on Rothchild and they are not happy, they are in residential and this is commercial and he understands the dynamics of that but this particular site plan went to the limits of the site; it is basically a large parking lot where they are going to put cars in and out. What he was hearing was not a lot of control on the timing and when it is going to happen because it wasn't quite known. It is a building that was there but transit parking went to the limits and to go to the limits that is where you had to grade and that is why they are taking out the 12,000 yards considering that there is a neighbor that is right on the side of it if you put retaining walls in and didn't remove all of it, that you would be bringing less material off, impacting the aquifer less, was that under consideration or was that discussed with the boards. It is just a tremendous amount to take off a small site next to a residential property. Mr. Goodreau stated that the area within the future aquifer of the town is really a minimal amount of cut taking place within that area. That could be affected by a retaining wall; there is actually about a 4' elevation chamber to maybe 6' tops being proposed behind that existing house within that area. The majority of this is the removal of top and subsoil throughout the site and they have estimated that based on the depths of the soil testing in and around 40+" in one hole and around 28" in another hole and 3" in the previously disturbed area behind the building so they are estimating that to be about 50% of the total amount of the top soil and subsoil. The other area where grading will be taking place is the infiltration pond. Mr. DeVellis stated that is his concern, half of the site that they are cutting is they have a 20' cut; it is not 2', that is on the backside. The majority of the cut on the residential side is pretty deep and that is where a lot of the material is coming from. Mr. DeVellis stated that his question is, were they looking at different options to avoid the material off site and were the natural buffers looked at. Mr. Goodreau stated that they do have some buffers; they are proposing a vinyl fence for screening. The Planning Board mandated that they relocate the plantings along Summer Street to the abutting property to help mitigate that. In the rear they have a 6' cut and they are basically leaving a 4' mound between the site and the residents. The

cut they are talking about is really occurring outside of the future aquifer district and abutting the existing retention base of the residential development and that is for the groundwater reach out system that they are proposing; 100% of the stormwater generated from this site will be recharged back into the ground after it has been treated so that in his opinion is a big win for the aquifer area of the town. He doesn't really see how retaining walls in and around the retention base would minimize much of the grading that is necessary to get the stormwater into the basin area.

Mr. Feldman asked when they did their soil log did they have LSP do any soil analysis as far as potential contaminants. Mr. Goodreau stated no. Mr. Feldman stated that typically if you were going to export a large amount of soil like that you should know what you are exporting and asked if they had thought about doing at least some random sampling. Mr. Goodreau stated that they could have some sampling done when they are removing the soil. Mr. Feldman asked if Mr. Gallagher would have any objection to that. Mr. Gallagher stated that he has no objection to it and the large piece of that is pretty narrow in a natural state and there are some pretty substantial trees there that have probably been there for 40+ years. It is uphill from the site that has been previously used. There are some cuts 20' down and it is possible and he is not opposed to doing something like that. Mr. DeVellis asked if the previous business was a crematorium for pets in which Mr. Gallagher stated correct. Mr. Feldman stated that he thinks they should know what they are exporting or what is being exported and what is in the soils before it gets off site and someone finds something; he would feel better knowing what the classification was.

Mr. Elfman stated that 12,000 cubic yards seems like a lot to him but he can't grasp in his mind what that is. If you take an 18 wheel dump truck, how big is that. Mr. Goodreau stated probably about 28-32 yards. Mr. Elfman stated that is going to be a lot of truck travel.

Patricia Stevens, 63 Mechanic Street – Ms. Stevens stated that she used to live on Angela Drive and that crematorium was also a medical waste site that they fought back in the early 80's because they were burning medical waste.

Mr. Feldman asked if Mr. Wallace was not the original owner and he recently purchased the property. Mr. Wallace stated that he hasn't even purchased it yet. Mr. Feldman asked if he had done a Phase I Environmental Study. Mr. Wallace stated that they did and they found nothing. Mr. Feldman stated but they haven't done any soil sampling in which Mr. Wallace stated no.

Mr. Feldman asked if anyone from the Planning Board had any comments on the conditions.

John Rhoads, Vice Chairman – Mr. Rhoads stated that the way they approached the project was they thought the most significant issue was the screening and the buffering to the people as you put your back to the street to the right on Rothchild and they had the applicant stake the 50' area that they were preserving in order to evaluate in terms of the amount of evergreens that were available and the topography and they were able to go out there and walk on Rothchild and get an idea of what the site lines would be from Rothchild into the project and what they found was the basin you can see is closest to the roadway and it is adjacent to an existing basin and very close to the same grade and that basin is dry. The line of site that was most difficult for the abutters was about halfway up the property line; what would be the northerly property line where

the existing grade dips substantially from two higher knolls and in that area they asked for a solid 6' fence all along that property line and they asked for additional plantings in the area where the grade was low and where the site lines were most open to the site by taking the trees by regulation could have been put on the frontage and putting all of those trees in that low area so the screening was of particular interest to them. The second substantial issue was the stormwater and Mr. DeVellis was right about having concerns. His initial thought was from looking at DEP records is that is within a Zone II for the Town of Mansfield but the Town of Mansfield has restudied their Maple Street wells and determined that it was no longer in a Zone II and Mr. Goodreau brought in proof of that from the Town Engineer in Mansfield. In terms of the stormwater, the stormwater has been designed to recharge in total the 100 year storm after going through a recognized DEP oil water separator. They also asked that the applicant bring forth a management plan as to how the facility would run so that they understood when there were peak activities; it is seasonally peaked and what their normal operating hours were and the typical procedures they follow and they crafted some of that into their conditions of approval. The issue that they felt to be most important was to provide some protection to the neighbors to the north which would be the Rothchild subdivision and they feel they have achieved that by leaving the natural plantings augmented by a fence and augmented by some plantings.

Mr. DeVellis stated that you have a parking lot that is at 186 and you have the grades at 182 at the neighbors so you are already 6' higher from the neighbors and you are going to put a 6' fence up it doesn't leave much of a buffer. Mr. Rhoads stated towards the rear of the property the natural high esker will stay and so as you come down if you get close to the street that is really not a problem with street lines because that is where all the trees went adjacent to the street when the Rothchild stormwater management area was built so the weak area (less screening) that was left was between the basin and the house and the line of site (the trucks are up higher with the houses lower and the fence in between) if you are lower it shoots up over the fence.

Ms. Coppola stated that she usually goes to the Planning Board meetings and she was there from the beginning of this whole process and these gentlemen came numerous times to the Planning Board and the neighbors were there and issues were raised and they came back to the next meeting and addressed the issues. Mr. Rhoads is a very technical person and the neighbors were there a number of times and she thinks they were satisfied. Mr. Rhoads stated that Mr. Feldman's idea of doing some preliminary testing and having someone on site to see if something has gotten into the major excavation which is where the retention pond is he questions whether anything has migrated in that direction because it is all natural growth and he thinks the septic system to the building is pretty much separated from that major excavation for the stormwater area and his understanding was with the proposal for the medical waste that they were not burning medical waste there, that it was a pet crematorium but they were proposing to build medical waste. Ms. Coppola stated that they were burning medical waste and they were told to stop. Mr. Rhoads stated the applicant proceeded and filed but it was denied and they were not allowed to go forth.

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

Motion by David Feldman to approve the earth removal permit for 2 Summer Street with conditions. Seconded by James DeVellis.

Ms. Coppola stated with the condition being the soil samples taken.

Vote 5-0-0

Mr. DeVellis stated they should be specific on what the testing is. Mr. Feldman stated with an LSP to do some random sampling to get a perspective of the soils that are going to be exported off the site to make sure there is no hazardous material. Mr. Keegan stated they will include that as part of the condition of license. Mr. DeVellis stated the Board's area is on the soils and it should come back to the Board prior to the issuance of a building permit.

8:43pm – Discussion/Vote for new Planning Board Alternate Member – Tracey Vasile

Mr. Rhoads called the Planning Board meeting to order relative to the appointment of Tracey Vasile as their Associate Member. Mr. Rhoads stated that they had voted unanimously on May 12, 2016 to recommend Tracey Vasile as their Associate Member. They feel very comfortable with Ms. Vasile and Ms. Vasile has been very active with town volunteer boards and they feel that she will complement the board so they voted 4-0-0 to appoint and ask to have her appointed as an Associate Member of the Planning Board.

Mr. Mitchell stated she retired from AdCom. Ms. Vasile stated she has lived here since 2001 and just built a new home so she is not going anywhere. She joined AdCom back in 2010 right about the time of the casino and got swept in the whirlwind of Adcom in the sense that it is one of the most interesting boards in town given the variety of topics that are covered. It goes from the budget to the warrant articles. She spent four years on AdCom with her second year as Vice Chairman and her third year as Chairman and with Bill Greider moving to Nantucket when this position opened a few of the gentlemen approached her and she stated that she wanted to stay on AdCom and the more she thought about it, it was such a good opportunity and during her AdCom years she had been the liaison to a number of different boards but the one that she worked with most closely was the Planning Board and the Town Planner at the time, Sharon Wason and she was working very closely with Paige, Gaby and Diana and in rethinking it and spending some time with those gentlemen it felt like a very good fit and when they discussed it a little bit more and she talked to Frank Spillane because she was exiting before her last year on AdCom and he was very supportive of this.

Ms. Coppola stated that is what is nice about AdCom because Gary and Ron were also on AdCom and liaisons to the Planning Board. AdCom is a good introduction to many boards and many members wind up joining boards, it is a good education. Mr. Greene stated that Ms. Coppola was also an AdCom representative to Planning. He thinks what you get when you go to AdCom is a complete understanding of what makes the town run and he personally is one that believes it should be mandatory before coming on to any major board; it is not, but he certainly thinks it is a critical training program for anyone interested in serving and she has done her due diligence.

Motion by Mark Elfman to appoint Tracey Vasile as an Alternate Member to the Planning Board. Seconded by Virginia Coppola. **Vote 5-0-0 Planning Board Vote 4-0-0**

8:48pm – Big Night Venues d/b/a The Scorpion Bar & Mexican Cantina – Public Hearing – Attorney Kristen Scanlon, Edward Kane, Randy Greenstein, Christine Roan, Jason Nichols

Mark Elfman read the public hearing notice.

Attorney Scanlon introduced everyone to the Board.

Attorney Scanlon stated by way of background as far as ownership and interest in a license go, both Mr. Kane and Mr. Greenstein are owners of Big Night Entertainment Group as well as Mr. Kane's brother Joe who is not there this evening. Joe and Ed themselves essentially have a lifetime worth of experience in the restaurant industry and they both have over 35 years of experience in all facets of the industry which they will elaborate on momentarily as well as further background of the company and the concept proposal itself. Mr. Greenstein has also been with the company since 2007 and is intimately involved in all facets of the operation of the company and is a Manager of Record that has been previously approved by the ABCC and other local licensing authorities throughout the Commonwealth. He is intimately familiar with the rules and regulations of the ABCC and has also familiarized himself with rules of this Board. As far as the location itself goes, which is 253 Patriot Place as the Board she is sure is aware from the applicants that have come before them in the past and the applicants that have come before them this evening, the Kraft Group is a group that has a very extensive and thorough vetting process and since the inception of discussions with Big Night Entertainment Group between them and the Kraft Group she thinks they all would agree that Brian Earle who is there from the Kraft Group as well as Mr. Kane and Mr. Greenstein have formed a solid foundation of a good working relationship and it is a relationship that they are both excited to build upon and they hope the town agrees as well. As far as the concept and proposal itself goes she will turn the floor over to Mr. Kane as she thinks he is the best one to explain the details of that to the Board, but it is for a high end/high quality family oriented Mexican restaurant and a concept they feel is unmet and unrivaled not only in Patriot Place and in Foxborough but the area as well and that is one of the many reasons that they are excited to bring this concept to the town.

As far as the application itself is concerned, because this is technically an application for a new license a brief discussion on common need, common good and character and fitness of the applicant is warranted and Attorney Scanlon will briefly start with the character and fitness of the applicant. She would hope from what the Board knows already from the application and materials before them of what they may know about the applicant in front of them this evening and certainly she hopes by what they learn by the end of the evening tonight that the character and fitness of this applicant certainly is not in question. Their reputation precedes them and it is a reputation that is a positive one that is a responsible, award winning operator that brings high end, high quality concepts to every community that they have restaurant establishments and operations in, including Boston which they have three locations there, Empire, Red Lantern and Gem and they are working on a fourth one now as well as their locations down in Connecticut. She thinks the communities there as well as the boards that grant them the privilege to operate in those locations that they not only meet the expectations expected of them for a high end, high quality restaurant concept but they exceed them in bringing quality, creative and innovative food

and beverage services and an overall hospitality environment to the area that provides an enjoyable and safe environment for the patrons.

As far as public need goes for this particular license, this is a license that falls under special legislation that was granted to the town for Patriot Place and it is her understanding that there is one available and that would be the one that they are applying for. Together with the availability of that license as well as the unique concept which she will discuss and the appropriateness of the location she thinks with those factors taken together it makes sense to put a caliber of this operation in that space that is currently unmet in the area.

Mr. Kane stated that he thought by way of introduction he would talk about some of their history and how they have operated in the business and hopefully end up with talking about the cultural of their company, Big Night Entertainment which is the one that would be operating here and how they really have tried to set the bar what they think is kind of a national market for hospitality and recognition in the hospitality market. Big Night started with Mr. Greenstein, and Joe Kane and Ms. Roan who was their first employee in 2007 and they started then at the casino at Foxwood's and they wanted to put a night club there as part of their new MGM growth so they did an awarding winning place called Shrine which has been open since 2008 when the casino opened there and they have won tons of awards there including best sushi in Connecticut, best design and all kinds of awards and it has really been an amazing property and he doesn't know if the Board has had an opportunity to go onto their website and look at any of their places but he thinks the common thread they will see is really a spectacular design and that one was a \$12M project and it is really off the charts beautiful. Right after that they did a concept called Scorpion Bar which is the original concept that they are basing part of this on and this is a more suburban concept that is more restaurant based than that particular one at Foxwood's, but that was their second one and they have won design awards for that and it has really been an amazing property for them. On the heels of that they opened High Rollers which is an almost 38,000 sq. ft. high end bowling alley referred to as one of the most beautiful bowling alleys in the world. It really has this 1920's Bellagio look and when they built it their mantra was what would Steve Wynn do as far as what would that look like that kind of Bellagio look and that really beautiful custom wallpaper, custom carpet, custom everything in the place, and it is really a pretty amazing space. Then they added a fourth one down there which is called Red Lantern which is an Asian restaurant and resides above Shrine and it is a full service, 220 seat sushi restaurant and it is predominantly Chinese and Japanese; it is Japanese with a sushi component and Chinese with kind of a mixture of regional Chinese cuisine. They have won a lot of awards for food at that restaurant.

On the heels of that, they did their first restaurant in Boston which is called Red Lantern and it is in an old carriage house built in 1890 and they gutted it out and within those walls they created a Red Lantern which is a full service restaurant; it is 240 seats and it does 500-600 dinners on a weekend night and they won design awards and Open Table rated them the hottest restaurant in the country. They had the same thing happen at Empire. Then they did Gem which is an Italian Restaurant which is in downtown crossing which is kind of a new area in Boston which they are very bullish on and they may have been early pioneers there but it seems to be picking up and again it is a beautiful design. It is kind of representative or reflective of a European supper club.

On the waterfront they did what he thinks is kind of their best designed restaurant and that is their newest and that is Empire; 14,000 sq. ft. right on the water front and it is very vibrant and very busy and they have won design awards and they were in the top 100 hottest restaurants in the country and they do a lot of corporate events and that is another common thread, they do a lot of corporate events from full sell outs for companies like Hill Holliday and hospitals and everything who take over their space and they really try to design them with very high end materials and very good looking so they can take advantage of what is a great market in Boston.

He has another company in Hingham and it is called "Eat Well" which he started in 1988; he opened his first restaurant there which is Stars in Hingham Harbor in 1989; he designed it and he created it and he still owns it and it is a breakfast, lunch and dinner and the reason he wants to talk about Hingham is because it is much more like this community here than what they do in Boston as far as the way they are more involved in committee events and committee organizations in Hingham. In 1989 he opened Stars which is breakfast, lunch and dinner and it caters to every age group which is very similar to what they are trying to do with the Scorpion Bar here so young families, older adults, grandparents, everyone with a really great food offering. That was his first one he opened in 1989 and they are on their 28th year. After that he did a restaurant called Tosca which has been there for 23 years and it is really his flagship restaurant and it came in second in the country in top restaurant design in 1993. It is an old granary that he rehabbed very similar to what they did at Red Lantern, gutted it out and redid the inside really spectacular it made 27 on the Zagat Guide, really high marks and won spectator awards every year. They won 18 awards of excellence or other awards from Boston Magazine and really it is one of his pride and joys. He did Café Tasca right after that which is right across the street and they took what was a very, very upscale concept called Tasca and across the street he did Café Tasca to service more of a day to day market (red sauce Italian).

He owns a bakery in Braintree which is about 40,000 sq. ft., it is all French steam injected bond guard ovens and they bake for about 400 clients on a daily basis and have been there for about 20 years and they have been in the new location for about 2 ½ years. They went from 1,000 sq. ft. to 40,000 sq. ft. over that time. It is a full service bread bakery but one of the biggest in the area and they distribute through some of the largest distributors. That community in Hingham is very similar to what he thinks this community is like and how they would interact with this community.

Now he wants to talk about this particular project and talk about how the common thread to their company is; they are very progressive, they spend a lot of time on design and hospitality and they spend an incredible amount of resources in getting the best employees which Christine will attest to. They have won Boston Globe award the last three years in a row and they have won the Boston Globe award for best companies to work for which is a very hard thing to get. They pay their employees well above what the market looks like and much more than their competitors and they have a very competitive retirement and health benefit package. He has been doing health benefits in Hingham since 1989 so their employees are their best asset and it has always been one of their mantras.

Mr. Kane stated that they are using a Peter Neimans design, he did Tosca for him, Empire and Red Lantern and he is doing this project with them and he is one of the foremost interior

designers in the world. This shows very high end materials; all custom banquettes, custom wallpaper, custom light fixtures and the upper design is a detail of the bar. He showed the Board the bar, seating and dining (floor plan) as well as the private dining, bar area, the kitchen faces the stadium and they are creating outside dining also because they think that during games or events it will be a nice way for folks to identify and see it. The drawing is the perspective of the front and a lot of the materials are reclaimed from Southwest and they mill it, they take old pieces that they pick out and every piece of door hardware and wood comes from them and they will put it together for them and then they will install it and they did the same thing at Foxwood's.

Mr. Kane showed the Board materials (wallpaper, flooring, high end tile) and they will do a graphic on the outside. It is very tastefully done, high end materials. He showed them the custom chairs built to order and they have done that for all of their projects. Their goal is to create brands that are going to be around for a long time so they want to take advantage of their lease and they want to be there for 20 years and they really think given the history of what they have done with this company that it is doable if you create a really great hospitality experience for people and you wrap it around a really nice design and if you get your pricing right and your food quality right and they do that with amazing employees. They have 650 employees and they won the Boston Globe award three years in a row and when Ms. Roan first wanted to do it, he was a little hesitant because they solicit your employees and they fill out a survey and they have won every year and he thinks it is a real testament to what they do and more importantly what Christine and Mr. Nichols do as far as managing those employees. They think they are going to have somewhere between 90-100 employees and they will all be in very well paying jobs and they have had incredible success in getting great employees because they pay more than the market and they provide a really great hospitality experience so they think they will be getting amazing employees here.

Mr. Kane wanted to talk about the vetting process a little bit because this was the one where they weren't quite sure what that vetting process was; Patriot Place who they were going to interact with have been wonderful to deal with and extremely strict about what they wanted in their brand and what they wanted to see and how they wanted it to be family oriented and how they wanted to make sure that they were food first and how they wanted to make sure that they really focused on the quality of beverage and alcohol service because it was very important to them. It was the longest part of negotiating on that part that he has had in all his years in business and it was really kind of refreshing because they were looking for a space to create a new version of Scorpion Bar and when he first came down to look at the space they loved the space but they wanted a partner in an area that was really going to embrace the concept and who was going to work with not putting great brands in their facilities so their crew has really been terrific and great to work with and to get them to what he thinks is going to be an amazing brand for them. They hope to expand this brand in other residential markets and they think it could do really well; it has great legs and they do upscale Mexican food that really is terrific and they have a fun environment so he thinks they will do very well. If this model does well; he has been in business for 28 years and never repeated one so this would be his first attempt to kind of repeat something because it is different in the sense it is more food and family friendly.

He wanted to thank the people at Patriot Place and the Town Manager, Chief and he spent an hour with them and they brought their staff to the walk through of what they were trying to accomplish. They talked about policies, procedures what they all require and he thinks they were happy with the sense that they are there to make sure they are part of our community because like Hingham, their success is really based on repeat customers. In Boston it is a little different; you have tourists so they really see this as a great opportunity to test their brand where they want people to come in repeatedly. The people in Hingham go to Stars and some people go for breakfast, lunch and dinner 5-7 days a week. They give back to the community with high schools, sports programs, parades, fireworks and it would be nice to be back in a community that would embrace a brand like this. They feel like that is part of it and part of it is getting great employees. They are happy to be here today and he is sure there are a bunch of questions and they are open to answer anything and they are very flexible with what they are trying to accomplish here. He thinks they are the best in the country. They came in fourth in eight magazines as the fastest growing company in 2011 and they went from \$0 to \$40M and they have continued a really nice upward trend without losing their sense of who they wanted to be in the hospitality business and how they wanted to treat their employees in that growth and they take great care of their employees and Christine and Mr. Nichols will attest to the fact that they are on a bonus plan and incentive plan where they really do a good job of sharing their benefits as owners so he thinks they have a sense of ownership and part ownership in Big Night Entertainment Group which is like the parent company to all of their other LLC's.

Mr. Mitchell stated in relationship to all of the other establishments up there, where is the location of this going to be. Mr. Kane stated that it was mid-center right across from Victoria's Secret. Mr. Kane said they are one block closer to where the hotels are. Mr. Mitchell asked if this has one of those one way streets in which Mr. Kane stated yes and that is the side that is represented with the mural; you drive by that on the way.

Mr. Mitchell asked if the liquor license is one the ones that they just approved for that node. Mr. Keegan stated this is one that was vacated by Tastings. Mr. Mitchell stated that he has eaten at Stars when his son was down at music camp and that was actually a great restaurant. His presentation he had unbelievable passion for what they do and for all the different venues.

Mr. DeVellis stated for all the presentations that he has seen, the topics that he touched on and the depth by far in his opinion it was the best presentation that he has ever seen come in front of the Board in his experience. The passion that they have, he just hasn't seen it and thanked them for that. The big item that the Board has in front of them is the sale of liquor and asked them to touch on the protocols, training and track history that they have with serving or overserving.

Mr. Kane stated that the Chief and Mr. Keegan had the same concerns and questions and first of all they stated that whatever the town rules here, they will adopt and that is what they will live with so they are not looking to do anything outside of what is legislated here. They went through all the town rules and regulations and they seemed very reasonable. Mr. Greenstein will be the Manager of Record and he will be there running the place as will Mr. Nichols who will pretty much be there full time. They are committed to this brand and they are going to adopt a mechanical machine to double check id's. There is a new technology out which Attorney Scanlon can elaborate on. Mr. Kane stated that they think there is a technology that they think is

full proof and it did get a couple of Yelp reviews in Boston that said it didn't take their id and they were old enough so he said they should start a program where if their id is rejected and a false negative they would reward them with a gift card or \$100 or \$500. They are very strict about when people come in and they understand without the license should the Board grant it to them, they cannot really operate successfully. It is part of what they do to make a profit and it is part of obviously what compliments great food and a fun environment. They appreciate all the responsibilities that come with having that license and they think they have done an amazing job for 28 years and they need to continue that. Mr. Nichols and Christine will head up the training and he knows they are hiring Mark Sarte who is head of the FoxCares and he will do all of their TIPS training and they would continue with that program with them. Mr. Greenstein stated that everyone in their company is TIPS trained. Through up-fronts which is where the groups get together on E-Mails and texts they really do keep people informed very well of what they are looking for and what their expectations are. They are not in the underage game and they are not in the over service gang. At the casino they have on site liquor inspectors and they go into their places every night and there is not a night that goes by that a liquor inspector doesn't come in checking id's and checking service to people, to see if anyone is being overserved. Connecticut has some crazy laws as far as how many drinks you can have so they are very strict and they adhere to those laws and they are there literally every night. In their opinion, the more reinforcement you have makes your brand better so they like to sleep at night as owners and make sure that their places are run well. The culture of their company is they want to be there for 20 years and their liquor license is incredibly important to their brand and how they are perceived in the market because if something happens with your liquor license it is really a black eye or stain on their entire organization. This is Big Night Venues and a lot of people know it and they take it very seriously.

Ms. Coppola stated that they received a copy of their liquor regulations and they noticed that the town has restrictions on the size of drinks so are they anticipating any specialty drinks. Mr. Kane stated that they have a lot of specialty drinks and they are going to adhere to their requirements for shared drinks which he probably thinks is the one that is most important to the Board. Ms. Coppola stated that it is the size and they don't allow big drinks. Mr. Greenstein said they will keep everything within the rules and regulations. Mr. Keegan stated that scorpion bowls will not be part of this. Mr. Greenstein stated whatever the size is allowed they will adhere to and it is not very particular in the document as to the exact size but whatever size a property is allowed they will adhere to. Attorney Scanlon stated that it is their understanding that in some other locations, particularly Patriot Place where shared drinks are allowed so long as they stay within the confines of their rules and regulations provided by the Board, for instance the 1 ½ oz. shot per drink. It is a drink with a mandatory four person 6 oz. to the shared specialty drinks but if that is something the Board is not inclined to entertain they will certainly abide by whatever their feelings are on the matter. Ms. Coppola stated that she is not familiar with that regulation and she is really surprised that any other place at Patriot Place is serving like that because if you read the regulations it is pretty specific and that was one of the concerns that they have had of sharing of those large drinks. Mr. Greenstein stated that in the documents that he has read, he has not seen any specific ounce regulations of the size of the drink but like they said they are obviously going to do whatever the town says. Mr. DeVellis stated basically whatever the rules are in which they said yes, they will abide by them. Mr. Kane stated they just finalized what the food menu would look like.

Mr. Keegan stated that he did not see the shared drink section when he looked at it initially and he apologized for that and not letting them know that but the shared drink approach is something that the Board has always frowned upon. Mr. Kane stated what they had was the casino menu and the only menu they have right now is for the casino so they brought that along. They will obviously follow whatever the town regulations are and they for sure will not be in violation of those. Ms. Coppola stated that they characterize their establishment as more of a sit down restaurant that happens to have a bar rather than a bar that happens to have a few tables for munchies. Mr. Kane stated correct and in this particular location they have tons more dining. That menu is more food menu items than any other place that they have; they have more food items here because they think their survival is dependent on a lot of food. Ms. Coppola stated that is their concern that they promote more sit down dining. Mr. Greenstein stated when they see the floor plan there is sit down tables everywhere so it is an absolute full service Mexican restaurant without a doubt. Mr. Kane stated they think they need tons of families in order to fill those seats. Mr. Greenstein stated that they are open for lunch and dinner.

Mr. Feldman stated that he doesn't know what they heard from Mr. Earle about this Board relative to liquor licenses but they view liquor licenses as a privilege in this town and not a right and they take it very seriously hence the creation of FoxCares which they would expect them to participate in. Going through their application they do have several violations with serving alcohol to minors which they have zero tolerance for. They expect everyone to get carded and they know they have gotten pushback from other operators but the more they see particularly up at Patriot Place and other members of FoxCares everyone is getting carded and that is always the first step. Obviously fake id's and parents buying for underage is a different situation, but if you are not going to card everyone and they are not going to be diligent about serving to minors they can end the conversation right here. Mr. Kane stated agreed and that every one of those violations those people were id'd and had backups and were on videotape but it is not a defense if they are underage so they don't play in the underage game, they have too many employees and too much at risk so if they had seen the video you would see that the server would go to the table they would id them because the people looked young, a manager would go over id them and check backup but that is why they went to the machine especially in the City of Boston with 500,000 students and internationals; it is a very difficult game. They would serve thousands of people a week in Boston and there is not an instance in there where some did not get id'd or did not show back up for sure. He thinks that they are very diligent it is just a more difficult game. If the Board looks at their history in Hingham it is more reflective of here and they will see zero because you are dealing with more community people; people you seem more often. Obviously during game days and things here, they will have to be incredibly diligent and Mr. Nichols has a full security blend and they will have the machine at the door (it is a \$500,000 investment) and they think it is pretty good. Mr. Greenstein stated that they just instituted the machine because it now exists in a world where they check 50 different places on the id and they literally catch (what they claim) 100% of every fake id and they didn't have that. Mr. Feldman stated until the new technology came out in which Mr. Greenstein agreed. Mr. Kane stated that he thinks it is cat and mouse. Mr. Kane stated that they would fire the employee and they stopped because they had so many great employees who were just great servers and who had been with them for years and they would id and then they would get the manager and they would id and you can't tell and if an inspector came in it would take them 20 minutes to figure out that by putting

pressure on them that they were underage. Attorney Scanlon stated that there are a couple of good things about the institution of this machine and one is it takes the responsibility somewhat out of someone's bare eyes who is not a novice in detection of fake id's to this machine which is their understanding that it is top of the line and the best thing out there right now and it is her understanding that the ABCC also relays upon it when they conduct their own sting operations and different operations of that nature. As far as mitigating previous issues that they had at the places in Boston, it is the best thing that they know of out there to obviously id everyone and run it through this machine which people that know about it especially since Boston caters to such a student population and international population, fake id's are easier and easier to get so once they know that they are taking it and scanning it through this machine it actually acts as a deterrent for them even handing over the fake id. Since its inception at the locations they have in Boston they haven't had any issue whatsoever. Mr. Kane stated that they have never served someone who they have not id'd; everyone gets id'd.

Ms. Coppola stated as the Board of Selectmen their concern is that no restaurant becomes the mecca for underage drinking. She is sure there is an app for that where kids know where to go and they just want to nip it in the bud. Mr. Kane stated they are not that place anywhere and they never have been.

Mr. Mitchell asked for the timeframe? Mr. Kane stated they are trying to open for late August. A lot of the mill work they have put in to order and they have been great to work with because they have been preparing a more progressive vanilla box for them so hopefully they have a jump on it and they are pretty good at building it and they are currently building another restaurant at Foxwood's Resort with Guy Ferrari and that is under construction at the same time so they are doing both concurrently and for them it was another great brand they got involved with and they have never done a licensing deal with anyone before and they didn't know who they would do it with and they talked to Mr. Ferrari and it is an incredible organization; really terrific people to deal with and they were lucky to get that brand and to put it in the casinos.

Ms. Coppola asked who would be the Manager of Record. Mr. Kane stated that Mr. Greenstein would be. Ms. Coppola asked if this would be the only restaurant that he would be managing. Mr. Greenstein stated yes, it will be the only restaurant that he would be the Manager of Record of.

Mr. Feldman asked if Chief O'Leary had any comments or concerns. Chief O'Leary stated that the applicants and Mr. Keegan and himself had met and they listened to the presentation and he hasn't found anything against the licensing this corporation.

Mr. Keegan stated that he was equally impressed with the presentation and it was one of the more detailed ones than he has seen in his career. The amount and level of detail they put into this preparation is actually quite exciting for him to see this because what that means is that we are going to the next level of restaurant in Patriot Place which have already set a pretty high mark in a lot of the places that they have up there but this is a new level in many ways. He is excited for that and he is excited for the opportunity that it presents to the town in many ways and the fact that it sets a new standard and benchmark for a lot of places as well.

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

Motion by Mark Elfman to approve the new alcohol license for Big Night Venues d/b/a The Scorpion Bar & Mexican Cantina. Seconded by Christopher Mitchell.

Ms. Coppola stated that she would like to have a review of the proposed drinks for the bar so they will be in compliance with the regulations and get them used to the regulations. Mr. Feldman asked if they add that as a condition of the license. Mr. Keegan stated that it would be a review of the final bar menu with the Board prior to opening.

Mr. Feldman stated condition of the license to review the final bar menu.

Vote 5-0-0

9:32pm – Discussion/Vote to Appoint Richard Golemme to Conservation Commission – Richard Golemme, Bob Boette

Mr. Boette presented Richard Golemme as their candidate recommended by the Conservation Commission to replace Ms. Marshall. Ms. Marshall will be missed and he doesn't know how they will replace her expertise and knowledge.

Mr. Golemme stated he has lived in Foxborough for 30 years and have two boys that went through the school system. He wants to give back to the town. He currently runs a retail jewelry store in Mansfield and he is also Treasurer and Director on Options for Children Inc., and they do a medical project as well as microfinance and they dig wells and set up farms for remote villages in Zambia.

Prior to that he brought his kids up; he was "Mr. Mom" and then prior to that he worked for 10-11 years in the Mutual Fund industry. He has had some interaction with the Conservation Board and he has worked with Ms. Pierce on a few projects that had come up that were relative to where they are located on Beaumont's Pond.

Ms. Coppola asked if he has been attending Conservation meetings. Mr. Golemme stated that he has attended a few but mostly just related to concerns of theirs. When they were doing work on the pond that they are on and they had roosters and they started the whole town regulations on chickens.

Mr. DeVellis stated that he is assuming the Wetlands Protection Act and going through all those steps and asked if Mr. Golemme was familiar with all of that. Mr. Golemme stated that he is not. Mr. DeVellis asked when a new member comes in because there is a volume of regulations what do they do for orientation is it just sit through the meetings and learn as you go. Mr. Boette stated that there are classes they can take through the MCAA; orientation classes to increase their knowledge. Mr. DeVellis stated that he would suggest it. Mr. Golemme stated that he is looking forward to it and he did one year of biology before switching to accounting and he does have an interest and always has because he has raised animals and a large garden.

Ms. Coppola asked when there was the rooster controversy was he on the other side of the table. Mr. Golemme stated that it was their rooster and what had happened was their sons had let them out and didn't put them away one night and they flew up into the trees and at 3:00am they started crowing. The people across the pond were a little bothered by it as well as themselves. When they realized they were roosters, they would crow literally every ten minutes and maybe they would stop for a few minutes but then they would kick back in. It was a nuisance to them also but they were pets at the time and they did fight to try and keep them. Ms. Coppola stated the reason she asked was he has experience in coming before a board and that is great to have empathy when you are a board member and someone comes before you. It is nice to be on both sides of the table. Mr. Golemme stated when they met with the neighbors at the board meeting they worked it out.

Motion by Mark Elfman to appoint Richard Golemme to the Conservation Commission.
Seconded by James DeVellis. **Vote 5-0-0**

9:40pm – Assistant Town Manager Update – Mary Beth Bernard

Ms. Bernard stated that business is booming in Town Hall and they have a lot of things going on with regard to H.R. personnel type things. Last week she participated in the Fire Promotional Assessment Center. An interview board looked at potential Captains and Lieutenants so that was a great experience and they are tabulating scores now and announcements will be made soon. She also attended the Police kick off meeting for all the Detail Officers so it was a great presentation by the Chief and two Lieutenants and a representative from each community that provide detail work for us. That was really interesting and it helped her to sit through so she could craft some interview questions for the next Chief.

Resumes are pouring in for all of our various positions that are open right now and most of them end within the next week which is good. The process is complete for Recreation's seasonal hiring so the people that have applied for seasonal jobs, they will get letters from them with instructions on paperwork and setting up their training and all of that. That process went very smoothly this year and the Recreation Department did a great job.

It is the start of our performance review season and they are welcoming some interns and different transitions; Kayla Mosesso is returning to us helping with H.R. things. A new intern short term is Maureen Perry who is going to be helping the Building Department and Fire Department entering data into a new online permitting system that they have and they just wanted to echo their good luck wishes to Mackenzie Leahy who was their Planning intern for two years and she got another job.

Proposals were due today for the RFP for the Police Assessment Center so they will be opening those bids tomorrow.

Mr. Keegan stated that there are lots of real interesting candidates coming to them. Ms. Bernard stated that today was a huge flurry and today the job posting for the Police Chief ends tomorrow before midnight. Mr. Mitchell asked how many applicants they got in which Ms. Bernard stated

that they are still counting. They have come from far and wide and they had an inquiry over the weekend from another continent.

Mr. Keegan stated that this is the last meeting before Founder's Day so they want to make sure that the community is aware that Founder's day is June 11, 2016. They have a great slate of things planned between the big parade, field day and of course fireworks later that night so lots of surprises planned so feel free to join us and it will be a great day for the community.

Mr. Dunau asked if Foxborough currently has a Mexican Restaurant. Mr. Mitchell stated Moe's.

Mr. DeVellis asked if there was any update on Mechanic Street. Mr. Mitchell stated that the speed limit flashing sign makes a huge difference because when it first went up he didn't realize that he was going that fast and now this past weekend not even paying attention to the sign he was at 29 mph so it definitely mentally puts it in your head. He asked Ms. Stevens if she has seen a reduction in speed? Ms. Stevens stated a bit but not with the big trucks. Ms. Coppola asked if there was another sign on the other side of the street near the YMCA that checks your speed. Mr. Keegan stated that they have a couple of other additional ideas about that area that they are looking at right now as well but it is too early to broadcast right now. Ms. Stevens talked to Dave from Tree & Park because one of the signs that she had given the Board pictures of, now the trees are up and you can't see the speed limit sign and it is right on Mechanic Street in front of the house that has the handicap ramp. Mr. Feldman asked Mr. Keegan to follow up with them.

Motion by Mark Elfman to adjourn at 9:46pm. Seconded by Christopher Mitchell. **Vote 5-0-0**