

TOWN OF FOXBOROUGH  
SELECTMEN'S MEETING  
JUNE 14, 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  
Mr. Bob Correira, Child Sexual Abuse Awareness Committee  
Ms. Nancy Stockwell, Child Sexual Abuse Awareness Committee  
Reverend William Dudley, Child Sexual Abuse Awareness Committee  
Mr. Randy Scollins, Finance Director  
Mr. Peter Frazier, First Southwest  
Mr. Jeremy Smith, NPS, LLC  
Ms. Sue Collins, Foxborough Commission on Disability  
Mr. James Mullin, Foxborough Commission on Disability  
Ms. Lorraine Brue, Economic Development Committee  
Ms. Paige Duncan, Economic Development Committee  
Mr. Paul Gromer, Peregrine Energy Group  
Ms. Marlana Patton, Peregrine Energy Group

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.

**7:01pm – Action Item**

Motion by Mark Elfman to accept Vicki Lowe's resignation on the Child Sexual Abuse Awareness Committee. Seconded by Christopher Mitchell.

Mr. DeVellis stated that it was not easy for her to leave as she was one of the founding members and when they were trying to figure out the whole process of the mandated reporters and different processes, she shared all the information she had with how she does things at the Senior Center and brought them up to a new level of awareness. It is tough to see her go but she did great work while she was there.

**Vote 5-0-0**

**7:05pm – Child Sexual Abuse Committee – Discussion/Vote of New Member Nancy Stockwell to fulfill Vicki Lowe’s Position, Nancy Stockwell, Bob Corriera, William Dudley**

Ms. Stockwell stated she cannot replace Ms. Lowe and she will stand in for her. Mr. Corriera stated that it was a unanimous vote of the committee to support Ms. Stockwell and he has heard nothing but good things about her. They would like to have her take Ms. Lowe’s place.

Motion by Mark Elfman to accept Nancy Stockwell as the new member of the Child Sexual Abuse Awareness Committee. Seconded by Christopher Mitchell.

Mr. Keegan stated that he seconds that action as well. He has known Ms. Stockwell for a while and she is a wonderful lady.

Mr. DeVellis stated that he was at the meeting where they discussed this. She hasn’t lived in town very long, she was just ambitious to help in any way that she could. She had good resources and good experience and he thinks this committee that they work on is probably one of the most important ones that they have in Foxborough and he is looking forward to the work that she has together with the committee.

Mr. Feldman stated that it is a great committee and it is great leadership so she is a good addition.

**Vote 5-0-0**

**7:15pm – Acceptance of Bond Offering Bid – Randy Scollins, Financial Director, Mr. Peter Frazier, First Southwest**

Mr. Keegan stated that during the past week they had some wonderful information to report to the town and to the Board and to all of the taxpayers that the Town of Foxborough through many years of financial stewardship and guidance and responsible management of their finances has reached the pinnacle of recognition in terms of the financial world by achieving a AAA bond rating. That is the ultimate applause that he can give to the Department of Finance as well as to this town and to the residents that have supported this effort for many years. This is not something that happens just in one year, it takes many years to reach that point. He knows that during the time since Mr. Scollins took over as the Director of Financing this is their third increase in the bond rating. Congratulations to Mr. Scollins and Ms. Sinkus and to all of the members of the Finance Department for the work they have done and everything they have done to help contribute and help put us in that position. He thinks that the Advisory Committee work they have done over the years as well as the various Boards of Selectmen, School Committee and Water & Sewer Commission who just recently signed on the financial policies was sort of the final piece of that puzzle that needed to be done before we could reach this moment tonight. Mr. Frazier has been our advisor for many years as well so they appreciate the work that he has done from First Southwest and he is very proud of all the work that has gone into this and thanked everyone.

Mr. Scollins stated that the accolades really go to everyone; every policy maker present and past on all of the different boards and all the leadership that has been provided on the school and town side over the many years. It didn't just happen overnight, it is something that the town has been doing for a long time and they added one extra ingredient with the financial policies and thanked the Board for endorsing those and the other boards and committees.

Mr. Scollins introduced Peter Frazier, Managing Director of First Southwest Division of Hilltop Securities who has been our Financial Advisor for quite some time. Mr. Frazier actually did a benchmark comparison for the town a couple of years ago comparing us to other AAA rated communities and he really showed them the way that they have all of the financial dynamics to get there and then we finally got the policy piece together which was the final piece needed. It is really a reflection of the whole community, everything the community has been doing for many years and Ms. Sinkus as well.

They just wanted for starters to say they are there to ask for their acceptance of the low bid on the bond and the bond offering was managed by Mr. Frazier and his firm. They received seven bids for our bonds for \$23.36M and the low bidder being Janney Montgomery Scott, LLC with a total interest cost of 2.518% for collectively both of our offerings; the town hall offering and the water treatment plant offering. The bids were relatively a tight range; 2.518% to 2.62% Bank of America/Merrill Lynch was the high. They wish they could actually take credit for the very low yields, these are clearly historic yields and not just for us, these are clearly the lowest yields that they will pay on long term bonds. Mr. Frazier was sharing with him that the people in his company were talking about that these are the lowest yields in 500-700 years so it is really an incredible phenomenon that is happening out there and there is actually data to back it up. Mr. Frazier stated that it is just extraordinary; it is not good news for a lot of the world because it is a reflection of a weak economy worldwide but it certainly was a two for one, having the highest credit quality that you can have which is a notch higher than the U.S. Government with us being AAA and they being AA+ but the combination of that is as strong as you can be from a credit standpoint and the rates as low as they've literally ever been and this is the largest issue he thinks the town has undertaken at least in the 20+ years he has been working with the town so this is kind of the perfect storm in terms of those factors and for the next 30 years the town will be benefitting from these very low interest rates. It is a thrill for him and he had the privilege of working with the town for over 20 years and they have always been strong and well managed but this is sort of the byproduct that a lot of hard work and a lot of tough decisions have been made and finally getting this last piece of the puzzle in place as Mr. Keegan had stated is really terrific and a tribute to all of the decision makers.

Mr. Scollins stated that Chairman Feldman was interested in the greater context of what is happening here and Mr. Frazier had shared with him some very interesting things that are happening with interest rates around the world which may be startling to some people. Mr. Frazier stated that one of the things is that right now, interest rates are at an all-time low here in the United States but in many of the central banks throughout the world, interest rates are at a negative right now so they are in uncharted territory and again it is largely a byproduct to the fact that the global economy is so weak. What it has created is an opportunity for the town right now to lock in these rates. Mr. Scollins stated they will actually get a return on these investments that

the bond holders will have unlike the governments in many of the other countries who will actually get back less on the investments.

Mr. Scollins stated that the issues themselves he wanted to break down for the Board: 2.518% was the interest rate associated with the composite of the offering. The Town Hall portion of the other offering, the \$6.86M that actually received a total interest cost bid of 2.18% which is the lowest they have ever seen on a 20 year bond. The Pumping Station Road Water Treatment Plant project which is 30 year issued received a 2.62% rate; blended 2.518%. As far as savings he knows the question on most people's minds is what will the AAA get us. He believes it is probably somewhere between 10-25 basis points is what that got them versus if they had AAA. If it was 25 basis points that they got on this issue, which is worth about \$1M in interest savings, we are at the low end of that say about 10 basis points which is still about \$400,000 in interest savings to the community. The bigger savings story from his perspective is how they did the plan. The town hall was budgeted for a 3% interest rate so the savings associated with this rate now saves \$595,000 over the 20 years and that is an included debt project so that is actually good news for budgets. The bigger savings is actually with the water issue; \$16.5M and the interest rate savings with that is they assumed a 3 ½% rate given that it was a much longer term and the savings there is \$2.245M in interest savings over the 30 years so certainly well within their rate model studies and it should certainly help them with their ratios and the cash they need for their capital planning it is certainly a good day for savings for the town.

Ms. Coppola asked if this was a 30 year commitment. Mr. Scollins stated for the Water. What happens when this precarious economic situation with Janney Montgomery Scott, LLC goes belly up would we have to go out again to rebid the bonds. Mr. Frazier stated no, and the way it works is these underwriting firms you see that there are seven bids that the town received but they actually represent a number of more underwriting firms that get together in syndicates with one lead that would put in the bid but basically what they are doing is they are giving you the money in exchange for these bonds that they hope the Board will be signing later on and those bonds are then sold to individuals, money funds and to all sorts of people and so it really doesn't matter what happens to Janney Montgomery Scott, LLC or any of these other firms after the town receives the money which will be in about a week or two so there is no exposure on the side of the town. The other aspect of these bonds are they have a 10 year term that we are fixed and we have to pay the debt service but if something happened like interest rates got even lower which is highly unlikely but at the ten year point the town can actually refinance and take in those old bonds, pay them off and reissue new debt. Mr. Scollins stated that Mr. Frazier has led the town through that process many times over the years. Mr. Frazier stated that he thinks it is very unlikely given the interest rates on these bonds that we will ever see interest rates this low that would make that happen but the nice thing is the flexibility to refinance is all the towns, no one can tell you to do it or make you do it but if economic conditions were right, you could do that.

Mr. Scollins stated another point that he wanted to make was the Board sees the form of vote in front of them and he alluded to the fact that the coupon rates that they are seeing associated with the bond payments are higher than these two numbers that they are talking about and there is a reason for that; it is because in this market they receive a what is called a bond premium from the bond buyers which is basically they are putting cash in the towns coffers and in this case here it

is about \$1.275M and we hold that and then they use that to defray our interest costs over the 20-30 years so the net to the town is actually the interest rate that they quoted here and what was bid so that is the dynamics of how that works. They actually have three other bonds that they have the same dynamics going on (High School, Library & Water Treatment Plant).

Mr. Feldman asked them to explain the bond premium and the basis for that. Mr. Frazier stated just to get everyone on the same page, imagine a \$100 loan at 5%; he is going to loan you that money and you are going to pay him \$105 a year from now and that is at 5%. If instead of giving them \$100 at the beginning and he gave them \$104 and they paid him back \$105 that \$4 would represent the premium and the town's net cost would be 1% because the town paid him back \$105; that \$4 would represent the premium and the town's net cost would be 1% because we would have to pay him back \$105 but he has given us not just the \$100 that we are borrowing but an extra \$4 so this premium if we think of it that way the stated interest rates that appear on the bonds are slightly higher than the market and the underwriters are providing us with cash up front to offset that if we applied it to our interest payment that would lower our payments down to that net rate that Mr. Scollins eluded to of about 2 ½%. Mr. Frazier stated the reason for that is, it is a little bit complicated but essentially it is for tax purposes and for the remarketing of the bonds because when interest rates are very low and they rise, the bond holders would then have to sell their bonds at a discount, less than the face amount. If the secondary buyer held it to maturity they would have to pay capital gains tax on the difference between what they paid for and the maturity value of the bonds. There are reasonable tax reasons why folks build in those; when they build in their bids it makes it more attractive as a secondary market instrument to have those higher coupons particularly when interest rates are very low.

Mr. DeVellis stated that his support would be based on the approach and their history and the fact that they are so low and strengthened by the discussion that he can't imagine 700 years.

Mr. Feldman stated that he thinks the fact that we budgeted "x" and came in at "y" and we are going to realize a combined savings of \$2.7M in interest payments versus what was budgeted he thinks is outstanding.

Mark Elfman read the motion into the record.

#### VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Foxborough, Massachusetts (the "Town"), certify that at a meeting of the board held June 14, 2016, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the sale of the \$23,360,000 General Obligation Municipal Purpose Loan of 2016 Bonds of the Town dated June 28, 2016 (the "Bonds"), to Janney Montgomery Scott LLC at the price of \$24,635,437.54 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on May 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2017	\$895,000	2.00%	2028	\$ 895,000	2.00%
2018	895,000	3.00	2029	890,000	2.00
2019	895,000	3.00	2030	890,000	2.25
2020	895,000	4.00	2031	890,000	2.375
2021	895,000	1.50	2032	890,000	3.00
2022	895,000	4.00	2033	890,000	3.00
2023	895,000	4.00	2034	890,000	3.00
2024	895,000	4.00	2035	890,000	3.00
2025	895,000	4.00	2036	890,000	3.00
2026	895,000	4.00	2041	2,750,000	3.00
2027	895,000	4.00	2046	2,750,000	3.00

Further Voted: that the Bonds maturing on May 15, 2041 and May 15, 2046 (each, a “Term Bond”) shall be subject to mandatory redemption or mature as follows:

Term Bond due May 15, 2041

<u>Year</u>	<u>Amount</u>
2037	\$550,000
2038	550,000
2039	550,000
2040	550,000
2041*	550,000

\*Final Maturity

Term Bond due May15, 2046

<u>Year</u>	<u>Amount</u>
2042	\$550,000
2043	550,000
2044	550,000
2045	550,000
2046*	550,000

\*Final Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated June 6, 2016, and a final Official Statement dated June 13, 2016 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

Dated: June 14, 2016

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Clerk of the Board of Selectmen

Seconded by Christopher Mitchell.

**Vote 5-0-0**

**7:41pm – NPS, LLC – Public Hearing – Discussion/Vote on Cold Play Application, Jeremy Smith**

Mark Elfman read the public hearing notice.

Mr. Smith stated he was there before the Board to request approval of the license application for a concert at Gillette Stadium on Saturday, July 30, 2016. As mentioned, that concert is Cold Play's Head Full of Dreams Tour. As the Board may recall, Cold Play headlined the Super Bowl 50 half time show so they are very excited to be able to bring that kind of caliber performance to Foxborough. Last September during the Ed Sheeran concert, Cold Play's lead singer, Chris Martin was a special guest of Ed's, so he went on and played a few songs with Ed Sheeran but while he was backstage, Chris started talking to some of the Gillette Stadium officials there and they were talking about the band and their upcoming tour and how great it would be to have them come to Gillette Stadium and have Cold Play, play there. One thing led to another and before you knew it, Chris was shaking hands with them on a deal to play this tour, this summer, here so he thought that was great on how organically that concert came to be and why he is here today. Obviously the band is very excited to play there and they are thrilled to have them.

There is currently only one opening act and that is Alessia Cara and Foxes. They play a similar music that Cold Play does; it is a softer more acoustic kind of feel to it. Like many of their concerts this summer, this event is a Live Nation Production and so as such they will be working with Live Nation through their Cambridge office. They will again be using Al Dotoli as the production manager and he is the same production company that they use for the majority of their concerts so there is no change there.

The concert is scheduled to start at 8:00pm with a requested end time of 11:15pm so keeping in line with the curfew. Stadium gates will open at 7:00pm and as they do with all of their events, they will work with Chief O'Leary and public safety officials on determining and establishing opening times for the parking lots.

They are requesting that Putnam Parkway will be open and available for public safety officials and suite and club attendees. They will also again be using the taxi stand which has been up and running for the past three years and has been very successful.

Tickets for this concert range from \$29.50 to \$179.50. They went on sale two days before the band's Super Bowl 50 performance and sold out very quickly. There is actually a lot of demand here for this show to probably do a second date they just weren't able to make it work from a scheduling perspective between the stadium and band so they are sticking to the one date for this year.

With that concert selling out, they are expecting a crowd of about 50,000 and they are anticipating a more mature and low-key audience which ranges in age from 25-55 and older so with that demographic Chief O'Leary is planning normal staffing levels for the event and he said that he does not anticipate any significant issues with the show.

On the tour itself, they are currently in Europe; they will be performing the next few nights in London and then they will start the U.S. leg of their tour on July 16, 2016 coming to the stadium here on July 30, 2016. As they typically do for all of their concerts and their other stadium events, they will communicate with those other venues that are hosting this tour and they will be sure to update Chief O'Leary and Chief Hatfield if those venues are experiencing any issues.

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

Motion by Mark Elfman to accept the concert Cold Play Head Full of Dreams Tour for July 30, 2016. Seconded by Christopher Mitchell. **Vote 5-0-0**

**7:47pm – Foxborough Commission on Disability – Discussion/Vote on Appointment of James Mullin – Sue Collins, James Mullin**

Ms. Collins stated that she saw a lot of the Board members at the Founders Day Parade and they were marching with Sue Burrows who got their Above and Beyond Award and she was thrilled and they had way over 20 kids show up; her kids and her buddies and they had a great time gently handing candy to spectators.

Tonight she was before the Board to recommend James Mullin to join their commission. Unfortunately Lucy Erhard had to resign because she is taking a position with children/adults with autism. They are very fortunate to have Mr. Mullin. He has worked with the Psychological Department of the Wrentham Developmental Center for many years and he has provided psychological services to adults with developmental disabilities and he just retired last month so they are very fortunate that he can donate his time to their commission and create an environment in Foxborough that is all inclusive. Ms. Collins asks the Board at this time to approve James Mullin to their Commission.

Motion by Mark Elfman to appoint James Mullin to the Foxborough Commission on Disability. Seconded by Christopher Mitchell. **Vote 5-0-0**

**7:50pm – Economic Development Committee – Discussion/Vote on Spending of Funds, Lorraine Brue, Chairman Economic Development Committee, Paige Duncan, Planning Director**

Ms. Brue stated that she and Ms. Duncan were there tonight to give the Board some details about the recent discussions that have been going on with the Economic Development Committee regarding the fire station project and there has been a lot of good exchange of ideas and she thinks that the committee has really come up with a great approach now and Ms. Duncan has kindly put it into an organized fashion for them so she is going to have Ms. Duncan present the information. She wanted to give Ms. Duncan a shout out once again for all the hard work that she has done for the committee and they really appreciate what she does for them.

Ms. Duncan stated that the letter in front of the Board that outlines what their discussion will be but for those who don't have it in front of them; she will go over it briefly. One of the discussion items has been as a result of the auction of the fire station property in December and it was actually a helpful process because what it made them realize is that it is important to the town to identify what the community wants for that project. The auction was a great idea and it worked, but it also showed that there were different ideas of how that project would best suit the community. They think it would be a good idea for the community to start developing what they want. The Master Plan discussed the concept of a first floor retail or preferably a restaurant with

residential above but there has been discussion about whether it is 6 residential units or is it 30 residential units and what is acceptable to the community and to the area. That has been sort of the end goal, coming up with a vision for that property. The other discussion item that they have been having is that they feel that the unknowns are depressing the value. They all talk about the sewer connections that is required and they don't really have a good handle as far as she knows on a number and talking to the development community before and after the auction, those unknowns really made the development community shy away from the project and everyone sort of said well they might throw \$100,000 to \$200,000 towards it but they couldn't risk much more and it would be helpful for them to know and she thinks that is her first bullet item in there, is sewer. They don't really have the ability on the Economic Development Committee to resolve that and they would just like to suggest that they all work with the Water & Sewer Commission and Roger Hill just to really work through trying to come up with a better number at least if they need to do some expiration at least figure out what that number is so they can do a cost benefit on how much information they need. The other thing is they had an intern for a few weeks and one of the tasks she gave her was to start looking at a build out for that site to start doing that exercise that she talked about and one of the things that they realized when she was doing that was that the areas they have on the assessors data base don't match the dimensions or the area that they were looking at so that made them realize that the base plan that they were working with, they don't know, they might be several thousand square feet off and when you are talking about a small property like that, that obviously has an effect on parking and square footage.

That brings her to her second point which is the group agreed that they need a good base plan to work off of. They have the benefit of Kurt Yeghian's 3D laser scan so he said that they can do topography from that but what his scan doesn't do is property lines so they are asking for some funds to allow them to have a survey done to get a metes and bounds property description and that would be augmented with Mr. Yeghian's 3D topography and then they will have at least a good base plan to work from. Mr. Yeghian had said that he thinks he can get some graduate students to work with them on developing some renderings or some build out yield plans so that is their ultimate goal to come up with a yield plan so the community knows what they have to work with; what they are offering; is it going to be a sale; is it going to be a partnership; what is the best way to protect the interest of the community while they are ensuring that they can build out the community character and start implementing the Master Plan. For right now, that is their request is that there is about \$20,000 in the Economic Development Committee's fund and they would like the authority to spend it. They did get an estimate from a local surveyor and they thought the base plan would be about \$7,500 so they would like to seek permission to get that ball rolling and start getting a base plan going.

Dr. Elfman stated that when they are talking the fire station are they also talking the funeral home too. Ms. Brue stated yes. Dr. Elfman stated that whole parcel. Ms. Brue stated three parcels. Dr. Elfman asked what was the third one. Ms. Brue stated that there are two for the fire station and the funeral home. Mr. Keegan stated that it looks like two but it actually is three.

Mr. DeVellis stated that he is a little unclear on the letter; on the different items; Item #1 is the unknown on sewer; Item #2 is the discrepancy on the survey so they need to have a surveyor do the metes and bounds; and, Item #3 is trying to understand the build out; is it three units, four units; three levels, four levels. The closing paragraph they say there is \$20,000 left in the budget

and you want that money for a survey, the \$7,500. Ms. Duncan stated just the \$7,500 because they are kind of doing it in piece-meal; they have the understanding that they may be able to get free help on the build out portion of it so they are going to try that avenue first and in the meantime they are just trying to get the base line so they can give that to whomever is going to do that and work with them. She is also, she doesn't want to say skeptical, but sometimes you get what you pay for so she is saying while they are going to seek out the non-cost avenue that if that falls short she didn't want to make it seem like they might not come back and try this again but they are trying to do graduate students or some other process that would save the community money.

Mr. DeVellis asked where the \$20,000 is coming from, is it all grant money. Mr. Keegan stated there is an Economic Development Committee fund that was set up from various liquor licenses. Mr. DeVellis stated that it sounds like the first auction didn't work and this auction was a little different because it gave the Board the ability to have a say in it and that didn't work and now they are finding out that they don't have a survey to begin with on the property lines. His biggest issue with this is, if they are serious about economic development in downtown; that is what everyone has been talking about for a generation now, the last meeting he attended was they had the Planning Board, Board of Health, Water & Sewer and the question was where is the sewer and how can it get to here. The one thing he asked for was do they have a sewer plan. The Water & Sewer Department work on an enterprise process and to not be able to say here is the sewer and here is how it is going to get to the area; this is what it is going to cost to have this fund now pay for that or have it still unknown at this 11<sup>th</sup> hour on a private business he would fire everyone because the town has been very good to the Water & Sewer Department, we are spending a lot of money and the sewer department has been in the business to take people's sewer and now we are in the business of finding sewer to pay for the improvements that we have on the three town process. If the Water & Sewer Department can't come up with a plan on where the sewer is; is it on Market Street. He noticed in the letter in the first paragraph talking about a pumping station that comes out of frustration because if it is over by Bird Street and the sewer has a 4" line, if he bought that building he would put a pump in it and he would say if the town is not going to let me know where the sewer is or how to get there, I am going to do it myself. He doesn't think the town is serious about developing this property, if they were then they would say here is a map of the sewer and Mr. Developer here is how you do it. Now we are going to spend more money on the property and at the 11<sup>th</sup> hour we are going to turn and say where is the sewer; we still don't know. It was very clear at town meeting and Ms. Duncan wasn't here at the time and is a volunteer on this but the town spent a lot of money and they said downtown that is the area we just have to hook into it and years later we can't hook into it because no one can tell us where the maps are and no one can open up the file drawers and put it altogether so this infuriates him that they are asking for survey money and it already went out to bid twice and we still don't have a survey and we don't know where the sewer is. On the third part they are talking about private public partnerships and he doesn't know if anyone at that table has done it or the Planning Department has done it but there is a lot and if you look at the picture of the fire station and we can't figure out how to sell it or how to develop it he doesn't have a whole lot of faith that this town can do private/public partnerships on a parcel that we own. He is speaking out of frustration and the last meeting he had asked for a joint meeting with the Water & Sewer Commission and that was probably 6-9 months ago when they all sat together and that was the only thing they had to do and we are no closer and now we are going to spend

more money without having that information. This infuriates him that they are asking for money to do a survey and we can't tell a developer how they are going to get sewer and all the businesses along Market Street and houses what they are going to do at this point. Someone has to get serious with the sewer or we are spending a lot of money on a tri-party agreement that we are no closer to other than the 40B's that they are hooking up now.

Mr. Feldman stated that they share the same frustration and they have had a lot of discussions at the Economic Development Committee meetings and all the discussions regarding future development start and stop with sewer because of the unknown. He thinks that the money that the Economic Development Committee is asking for is not so much a survey for sewer but to clean up the discrepancies within the lot lines. Mr. DeVellis stated that was his first question and he understands that, but it is not sellable until they know where the sewer is so let's handle that first before they spend another dime on this project because once they have the survey what is the catalyst for the Sewer Department to give them a plan.

Mr. Feldman stated that the Economic Development Committee and Mike Stanton happens to be on the Board so he is well aware of the frustration and there will be a joint meeting with this Board and Water & Sewer to get that ball going because you are not going to develop downtown at all; the fire station or any other existing property until they have clarity and a short term plan and a long term plan regarding sewer. It is not just downtown, it is also Route 1. The Economic Development Committee is serious about developing opportunities for economic development and sewer is part and parcel to any future development in this town and if they do want to be serious about development that has to be out in the forefront.

Mr. DeVellis stated that he knows Ms. Brue is volunteering and has put a lot of time into this and the onus is on the town for not doing what they need to do and he is not picking on Water & Sewer or the Board of Selectmen separately, but this is a town issue. The taxpayers pay for roads and infrastructure and if they can't get a plan where their infrastructure is. He would use the Economic Development Committee's money for new sidewalks, signage and new things to attract businesses. The water and sewer is bought and paid for and we need a plan of where it is. We need to clean up the baggage before we can spend any more money on this. If this is the big stick and the carrot to do it, then the Water & Sewer Commission has to come to the table and say they don't have the ability to give them a plan or they need time or money but just to ignore it year after year after year when they promised that when you flush your toilet downtown it goes to Norton. Something is missing there.

Ms. Brue stated that this request really isn't the stick that is going to make any difference with the water and sewer piece of it. The survey is just something that needs to be done so if they do it now it will probably be less expensive than if they do it next year is one way of looking at it. They are all on the same page in terms of the understanding that sewer is the key here and so that is why she thinks this is the first point Ms. Duncan has made for them is that is the most important thing for this committee to be working on. Mr. DeVellis stated that he agrees with all of that but if you put it out to bid next year for a survey, you get 4-5 surveyors and it is a six week process and you are going to get competitive bids; it is not going to go up. Right now it is very expensive because everyone is busy right now. Say you spend \$7,500 and it sits there for a

year, you can't sell this property unless you know what the sewer is; no one is going to buy it; you can't put septic systems in there.

Mr. Feldman stated not only that but you have unlocked property values on all those residences that are sitting with tight tanks right now and at some point you want to unlock those property values as well.

Dr. Elfman stated that he also sees this as two different issues. He thinks we definitely need to clean house and we have to find out what the boundaries are. He asked why they can't call Water & Sewer in here and ask them for a plan/map. He lives on 25 Main Street and he has sewerage and he is two houses from the center of town. Where are those lines and why can't they ask as a board to have them come in and give them the plans.

Mr. Keegan stated that there is a plan but the plan shows different lines and different sizes of lines located within the downtown area. The key thing is to know exactly where those lines are and whether or not it requires that they have to either replace the lines that would best service the property or result in a pumping situation or if you could do a gravity line what would be the easiest direction to go. There are a couple of reasons why the Water & Sewer Commission he believes are equally as interested in getting this done but the challenge they have is that they don't have a lot of money in the sewer account itself at this time. There are two major projects that are going to help them; one is the redevelopment of the Foxboro Furniture property and also the 40B project and that is going to allow them the ability to have some money in their account which will allow them to do some things. He is not sure that this is high on their priority list because there are other things that they have to do so he thinks it is a question of finding out the timing of when they want to get this done because he thinks they all need to know that because they are very serious about getting that done collectively. They are right, the sewer issue has to be addressed and they have to know a timeline on that. He has talked to several developers who have expressed interest but until they know where the sewer is and how deep it is, and what it is going to cost to replace the line they are really reluctant to move forward on that. Once they know that information and once that information is well known, it makes it easy for them to really explore the options so that is the big challenge that they face. Getting a meeting with them is appropriate to understand the timing of when they can help them with that detail.

Mr. Mitchell stated that they can't put it all on Water & Sewer; this has to be a total group effort and at those meetings they talked about doing a comprehensive sewer plan study they were going to start putting something together and that was 8-9 months ago. We keep talking about it and no one ever does anything so we need to do something. Mr. Keegan stated that is the priority that has to be established and it is the Water & Sewer Commissions call; they set their own priorities and he thinks it just needs to be discussed. We are not here to dictate from one board to another but he thinks if they hear from this Board as well as the Economic Development Committee how much of a serious impediment it is and he thinks they know that but if they were at least able to provide them with some guidance and an indication as to when and the timing of this it would certainly help the process they are trying to accomplish here.

Ms. Duncan stated that she thinks they are at a good stage to ask for this and she feels very comfortable doing so because it dovetails nicely in with the Master Plan. They are now at the

implementation phase of the Master Plan and all the conversations and meetings were in the mid-phases and now they are at the implementation and the number one priority of the Master Plan (actually there are two) downtown and sewer. In a way the people have spoken through their plan and hopefully they can take that information to Water & Sewer and she knows they have an understanding of what is going on and she thinks they do have some documentation now to provide some backup. She spent the day at Founders Day and they spent most of the time talking about downtown and the residents really want their downtown to be vibrant and they also (the ones she spoke to) understand that it is not just going to happen; it is going to take a community wide effort to make a choice to shop downtown and to support downtown and this is going to be a community effort. The national economy is not going to create suddenly a vibrant downtown so her point is, this is a high priority for the community and she assumes that Water & Sewer and all of them can work together to get it going and implemented.

Mr. Keegan stated that the sewer is the key that unlocks the entire process without question.

Mr. Feldman stated there is value in the real estate that is being suppressed because of lack of sewer so we need to work with them, hold them accountable. They will have a meeting and set some timelines and some goals and see if they can unlock that potential because as it stands now, ten years from now they will still be discussing what to do with the fire station and can they develop the downtown.

Mr. DeVellis stated that if they are not serious about the sewer then develop it as it is and put a force main in and call it a day but it is a detriment to all of the houses that are behind it. There is state affordable housing right there and they would have sold it but they can't do anything with it and those businesses need it.

Mr. Keegan stated that he understands everyone's frustration and he thinks they are all collectively frustrated and he thinks even the Water & Sewer Commission are frustrated also because they want to move forward but there are a number of different things and timing is everything. They have more flexibility on the water side of their equation than they do on the sewer side and they all know that so the question then becomes at some point do we as a town want to prioritize that and find a way to help fund the downtown sewer process. He doesn't know the answer to that but he knows they prefer to keep it so they can pay for it within that line. He thinks they want to be sure that they have a way to strategically move forward on that because it is not only the sewer on that but also the sewer on Route 1 so we have to have a strategic plan. He has been attending meetings with major developers across the country; today he was in Boston for discussions on this and there are two major issues; sewer and access to the properties (how do you get there...transportation). If you don't meet the requirements of the next generation who don't buy cars but they want to be able to roll out of bed and go to work close to where they are or take public transportation so they have to think about that seriously if they want to move forward on a lot of fronts.

Mr. Feldman stated that the other thing is sewer is an investment; it is a definite investment in the community and the potential value that can be created from that. The frustrating part is they don't have a plan; they don't have a dollar value of what it is going to cost and what a long term program can be; do they start small, is there grant money available; they don't even know what

the end result is going to be. They have to have that meeting and at least start the process. There is a lot of frustration and a couple of times a month they talk about it and at the end of the meeting they shake their heads because they are no further along. Mr. Keegan stated that they need to set a timeline. Mr. DeVellis stated that obviously the Water & Sewer is an elected board and separate from them. Economic development is all of their issue but if they can just get the two boards together. Mr. Keegan stated that he doesn't disagree and he thinks it is a good discussion to have. Mr. Mitchell asked if they could get a joint meeting with the Economic Development Committee and Water & Sewer. Mr. Keegan stated that they will set that as a priority. Mr. Mitchell stated that the only other thing that concerns him is this property, this is theoretically the third time we are going to be selling it and we don't even know the property lines. Mr. Feldman stated that is what they want to nail down. Before you go to sell it or do a joint venture you have to know how big the property is; where the metes and bounds are and what can it actually yield. Mr. Mitchell stated that he is fully aware of that but this is the third time that we are selling it and we don't even know where they are. Mr. Keegan stated that in both those previous instances they sold it "as is" so it would have been up to them to figure those things out but now if we really want to develop it and be serious as a public/private partnership, we really should know those answers.

Mr. Feldman stated that he thinks the Economic Development Committee have no intentions of suggesting that the town should be a long term landlord. He thinks the development opportunity that is here is it gets developed with the town's vision and insight; you have a stabilized value and then there is a definitive exit strategy for the town to get out to maximize the value and the return on the property. He thinks that is where the yield study comes in. He agrees with Mr. DeVellis on the sewer and the frustration but he thinks spending the money to identify what the town actually owns is not necessarily a bad thing.

Mr. Mitchell stated that say they can't get Water & Sewer to do sewer for five years are they going to sit on this property for five years or are they just going to auction it off again and sell it as is so they don't have to spend the \$7,500. Mr. Keegan stated that is a discussion that they have to have and he would hope that wouldn't be the case because he thinks there is suppressed value in surrounding properties if they are able to do that; even if you have to spend money to make money. Mr. Mitchell stated that he agrees with spending the \$7,500 but he would be a little more comfortable until waiting until after they talk to Water & Sewer and get something moving first. He totally agrees that you have to spend that money to get it surveyed but Mr. DeVellis mentioned maybe in 6-8 months it is cheaper. He has no problem if they know that there is work going towards the sewer plan.

Ms. Coppola stated that when you meet with Water & Sewer she thinks the discussion they are going to have to have with Water & Sewer is yes they are accumulating money through the sale of flow from the 40B and from Forbes Crossing but what is their plan for that money. From what she understands, their plan is to put it toward the MFN debt service. At that point you have to say okay do we have to have a town commitment to doing sewer not just having Water & Sewer spending money but have the town chip in and that is the discussion you need to have with Water & Sewer.

Mr. Feldman stated that there is no question that at some point there is going to be a needed investment by the taxpayers to create this infrastructure. Mr. Keegan stated that every experience he has had with that where the town invested in itself in those situations, it came back in spades. It is a true statement that for every \$2 we spend it comes back about \$8 in terms of investment from the private sector. We have to think about that strategically.

Motion by Mark Elfman to spend up to \$7,500 on a survey of the property from the Economic Development funds. Seconded by Virginia Coppola. **Vote 2-3-0 with Christopher Mitchell, David Feldman and James DeVellis voting in the negative.**

Mr. Feldman stated that they will bring this back and he has some thoughts but he thinks what they should do is meet with Mr. Yeghian and line up his folks because if the Economic Development Committee comes back, he wants them to come back once, he doesn't want to do this piece-meal so if he can do the yield study great, if not let's come back and figure out what they need to do and in the meantime he asked Mr. Keegan to get a joint meeting with the Board of Selectmen, Economic Development Committee and Water & Sewer and see if they can move this along. Mr. DeVellis asked if it made sense to have the Planning Board in there as well. Mr. Mitchell stated and Board of Health also. Mr. DeVellis stated the last meeting they had everyone there and the Quagmire there was the sewer so this is round 2. Mr. Keegan stated that he thinks at this point in time they should focus on some very clear issues and try and limit the discussion because he thinks if they get the sewer then all of those other things they can address as they go along but if you don't get the sewer then you are not really doing anything more. His advice to them would be to just meet with the Water & Sewer Commission, focus on that issue and then they can go from there.

Mr. Feldman asked if it should be a public hearing. Mr. Keegan stated that it is not necessarily a public hearing; it is a public meeting because there is no issue that they are having a hearing about, it is just a public discussion. Mr. Feldman stated that if they are just going to have a public meeting maybe it should just be between the Board and Water & Sewer. Mr. Keegan stated that is right. Mr. Feldman stated they will start there and see where it goes. Ms. Brue asked not the Economic Development Committee in which Mr. Feldman stated that it is a public meeting and obviously they we will invite them. Mr. Feldman stated the same thing with the Planning Board. Ms. Coppola asked if this means it is a meeting of the Strategic Planning Committee; that wound up being everyone. Mr. Keegan stated that he thinks they can invite the other groups if they want to come but he thinks the discussion really has to be between the two boards. At that point certainly other people will weigh in and they will discuss it, but ultimately it is a policy discussion between two boards. Mr. Feldman stated to make sure they put that on the upcoming agenda ASAP because it is summer and the fire station is sitting and people are asking what is going on and they really have nothing to tell them so they want to be able to give some clear direction and that is a good step. He has confidence that the Economic Development Committee has a vision and they understand what needs to be done; the sewer is the only component that they don't have control over and it is an unknown.

Mr. Keegan stated the vote against tonight was for a couple of reasons but primarily because there is more to come on this front before they get to that point. Mr. Feldman stated that they want to get clarity and it is more of a delay than anything else.

Ms. Duncan stated that they just want to keep this issue on the table.

**8:21pm – Peregrine Energy Group – Municipal Electric Aggregation, Paul Gromer, Marlana Patton**

Mr. Keegan stated that this evening they have with them Paul Gromer and Marlana Patton from the Peregrin Energy Group and the Board will recall at the town meeting in May the town entered into a municipal aggregation and the Peregrine Group is working with Bay State Consultants who were the successful company working on this with us and are working as our agents. He had a taping of his show recently where Mr. Gromer and he discussed the program itself and how it works and this is the next phase of that where they actually introduce the plan and how this will move forward from here. Mr. Gromer will explain to the Board the next steps involving how the plan gets approved; it has to go to the Department of Energy and working with the state.

Mr. Gomer stated that their objective today is just to explain the key elements of the Municipal Aggregation Plan and also this meeting tonight kicks off a formal public comment period for the plan which is required by the aggregation statute.

Mr. Gomer stated that he would start off explaining what municipal aggregation is. He stated it is a form of group purchasing which cities and towns use an electricity supplier for the citizens and it is something that is becoming very popular in Massachusetts, about 75 communities have active aggregations today with at least 25 more in the planning phases like Foxborough is so within a year there will be more than 100 communities in Massachusetts that are doing this.

The key things to know is the main thing that aggregation only covers electricity supply. Electricity service has two components; there is the electricity itself which is called “supply” and then there is the delivery of that supply over the wires. On the delivery part, there is no choice whatsoever; National Grid, the utility, is going to take care of that no matter what. But on the supply part, there is a choice, customers can choose a supplier on their own; most businesses do that but not many individuals. You can let the utility choose a supplier for them which is called basic service or the town can choose the supplier and that is called aggregation.

The way aggregation works in Massachusetts is it is called an Opt Out Program where customers become automatically enrolled unless they opt out of the program but customers are free to opt out at any time. They can opt out before it begins or they can opt out any time after the program is rolling.

The key benefits of aggregation are cost savings. The goal of the program will be to obtain a price for the citizens that are well within the average price of basic service from National Grid. The next benefit is price stability. Basic service prices have become very volatile spiking up every winter and then dropping back down in the summer. With the aggregation you will have a steady price that is in place year round. The third benefit is that there will be a green option for customers who wish to choose greener electricity and that will be available for them. The final benefit is that there will be a transparent consumer friendly offering. There are an increasing

number of offers available from competitive suppliers. Some of them are good deals and some of them are a little bit too good to be true with hidden fees or rates or whatever else. The town program will be designed with the consumer in mind; the pricing will be transparent and there will be no hidden fees. The most consumer friendly offering that can be put together will be the town's offering and that will be available to everyone.

Ms. Patton stated that from the perspective of the participants, residents and any businesses that are enrolled, this is a pretty seamless transition. They will see two primary changes; one is on the National Grid bill, they will see the new rate which will be the program rate and then you will see a small line that says the suppliers name instead of basic service but otherwise there are no changes from the customer's perspective. You still get one bill from National Grid and National Grid continues to deliver electricity and continues to maintain the whole infrastructure and they are still who you call when the power goes out. If you have solar panels on your roof, net metering still works the same way and you still get your credits at National Grid's basic service rate. If you are eligible for budget billing or low income discounts from National Grid all of that remains the same as well. Really the only change is the rate on the bill and the name of the new supplier will be on the bill.

The primary outreach that happens for this occurs about one month before the program launches and there is a formal public education campaign and everyone receives at the beginning of that campaign an informational letter that explains the program; the electricity rates; the benefits and the right to opt out and how to opt out. That letter kicks off the 30 day outreach period during which there are a series of public events that will happen, there will be public information sessions open to the general public and they will also do one targeted for seniors. They will probably do another cable access interview and there will be information on the website as well. They will be providing customer support by phone and email also for the town. Opting out can begin at this time so anyone that doesn't want to participate in the program at all will be able to start opting out during this initial 30 day period and of course after the program launches because they will continue to have that right.

Mr. Gromer stated that just to wrap up by looking at the schedule, now they are wrapping up the planning stage with the plan available for the public comment period. After that, the longest part of the launch process is the regulatory review process. The plan will be reviewed first by the Department of Energy Resources and then by the Department of Public Utilities. It is not an onerous regulatory review but it is time consuming and will take several months to get through that process. Once they have the state approval they will move forward with a public procurement to choose an electricity supplier and the town will be able to choose the specifics of the pricing and the offering that it wants and from there they will go into the public education campaign that Ms. Patton explained and then from there they will launch the program. Currently they are targeting a launch date of February the biggest variable in there is how long the regulatory process will take and that is the only part they can't control but they are hopeful and optimistic they will have the program up and running by February.

Mr. Mitchell stated that they won't know the rates until between September and December. Mr. Gromer stated correct. Mr. Mitchell asked how long this agreement was going to be. Mr. Keegan stated that it really depends upon what type of offering they get. Typically no more than

two years. Mr. Gromer stated that typically it is 1-2 years and that's something the town will decide so they will get pricing for them for one year; they will get pricing for them for two years and the town can decide which seems the more attractive. Mr. Mitchell stated that if they went two years and whatever the rate was it is locked in at that rate. Mr. Gromer stated correct. Mr. Mitchell stated that the bill would each month be consistent; the same amount you are paying every month. Mr. Keegan stated other than your use.

Mr. Keegan asked what if you are already getting a low rate from an existing company and that program expires after the time that this program started. Mr. Gromer stated that if you have chosen a competitive supplier already you are not part of the group that becomes part of this program automatically but you are free to join this program at any time so if you have an existing contract, when that contract ends you can choose to join this program if you want or you can choose to go back to basic service or you can choose another supplier you will have all those options but you are always welcome to join this program.

Mr. DeVellis asked if Mr. Gromer had stated that there were 75 communities soon to be 100 and the goal is to basically be simple and beat National Grids price. Out of those 75 are they beating National Grids price. Mr. Gromer stated that by in large yes, there is a mix and it depends a lot on when they locked in their contract for supply. The electricity markets are very volatile, the National Grid price goes up and down all the time and the market prices go up and down all the time. Two important things to know and one is the town is not committed to going forward with the program until they see the pricing so you will know what the program price will be and you will know National Grid's prices at that time. Mr. DeVellis stated that is initial in which Mr. Gromer stated that is right. Mr. DeVellis stated go or no go at the initial price and six months later it goes above National Grid but you are already in it, it is market driven. Mr. Gromer stated that the town is already in at that time and individual customers can leave at any time. Let's say that you were to launch the program, you know that for the next six months your price is lower than the National Grid price, then the National Grid price drops down and suddenly the towns price is now higher and then two things there, one the town's goal will be to beat National Grid on average over the years, sometimes it may be higher and sometimes it may be lower but if it gets into a situation where it seems unattractive to any customer they are free to leave the program at any time. There is also one sort of nuance here which is to their advantage right now which is that there is a component of electricity rates which is electricity prices which is determined by where you are and where the town is. Starting next year the cost for towns in Greater Boston and on the North Shore will become significantly higher than they would be for towns in this area. The basic service price since National Grid covers towns in the Greater Boston area, North Shore and here, they blend it altogether so customers on basic service in this area they will really be subsidizing those towns on the North Shore a little bit but if Foxborough goes on its own through aggregation you will pay the price that reflects your location so that should give us an advantage and an extra advantage over National Grid.

Mr. DeVellis stated that there is no step on here and he thought they talked at one of the other meetings that they would have to go in front of town meeting. Mr. Keegan stated they already did that, which was in May. Mr. DeVellis stated that was for the process. Mr. Keegan stated what happens is that they are free to choose their own vendor and they can't do that until the time that they accept the statute.

Mr. Mitchell asked municipal wise do they do any of this now. Mr. Keegan stated that they actually work with Bay State now on our own electricity as well as gas and they can't offer gas to the public at this point but they work with them on setting the rates. Mr. Mitchell asked how we are doing rate wise in which Mr. Keegan stated they are doing very well. Mr. Mitchell asked if the rate changes by how many customers sign up for this. For instance if five members signed up to do this and the rest of the town opted out are they going to get a higher or lower rate. Mr. Gromer stated the rate will stay the same so the supplier will make a commitment to the town of a price and they will hold that price for the length of their contract, say one year and it is going to be the same price whether one customer opts out or all but one customer opts out they are locked into that price. Mr. Feldman stated that it is a 100% swing with no pass through. In which Mr. Gromer stated correct.

Mr. Keegan stated that the problem right now is a lot of people don't pay attention to that bill and as a result they don't realize you can actually control what you are paying each month if in fact you pay attention to that line.

Ms. Coppola stated where people can opt out; if they are on basic service now once this happens they are not going to be on basic service any more in which Mr. Gromer stated correct. Ms. Coppola stated that they are giving people the opportunity to opt out of their program and go back to basic service. How will the average person be able to compare the basic service price against this price; is that information going to be on the bill or would they have to seek it at the National Grid website. Mr. Gromer stated that they will get that in the letter that goes to everyone. There will be a table on there that compares and lists the National Grid price and the program price together on the letter that everyone gets in the mail and it will also be on the town website, there will be a table that compares the two. Ms. Coppola stated that people will always be able to like the month of June they will know the differences and the month of July so they will be able to compare. Mr. Gromer stated exactly. They will be able to compare and the way it typically works is basic service prices change twice a year and the program price will probably be locked for a full year so when the prices change, the new prices will be available and posted there. Ms. Coppola stated that the onus will be on the consumer if they decide to opt out they are going to have to go through the process going back to the National Grid basic service. Mr. Gromer stated that is correct and if they choose to opt out, they will need to take an action to opt out and there are several different ways they can opt out, they will get a letter in the mail that will explain and that will include a return card and they can check a box and opt out that way. There will be a phone number that they can call to opt out and there will also be a website where they can opt out. They can not only call their number but they can call National Grid as well and National Grid will opt them out.

Mr. Feldman stated that he thinks this is a great opportunity for the members of their community. He has been doing this for over 10 years now in his line of work and they have saved significant dollars over the years by using their size and aggregating their consumption and actually going out and getting best pricing. He is very familiar with it and he thinks it is a great opportunity and he is looking forward to it even though he is with a third party now and he will see what the rates come in at.

Mr. DeVellis stated that the down side, there are certain benefits if the rates are lower but what are the detriments have they seen communities leave this or the communities stay in it but their residents drop down and leave the program for other reasons other than price. Mr. Gromer stated not so much for other reasons other than price. The best example is the longest running aggregation in Massachusetts is the Cape Light Compact which is about 25 towns on Cape Cod and Martha's Vineyard. They have been doing this for about ten years and they have seen prices go up and down; sometimes they are a little lower than basic service and sometimes they are a little higher. Most customers stay with the program figuring that on average over time the community program will be a good, fair place for them to be. Certainly the way that they look at it is it is not necessarily a bad thing if people opt out. What the community does is it provides an option for people that is fair with transparent pricing and one of the best features of that option actually is that you can opt out if you choose which is something that you don't get in a contract with a supplier so that is available to people and by in large the experience is there are some people that opt out at the beginning in order of magnitude somewhere between 5% and 10% typically opt out at the start and often times there are more competitive offerings that become available and a small number of people will opt out each year but the bulk of people stay with the program and that has been the experience with other communities. Ms. Coppola stated when he says opt out he means without a penalty. Mr. Gromer stated correct. Mr. Keegan stated that there is no penalty and they wouldn't pursue it if there was.

**8:39pm – Policy Discussion – Grant Application Acceptance – William G. Keegan, Jr.**

Mr. Keegan stated that they had some discussion about this issue for quite some time now and he has been working on this because there has been a concern at his level and the staff level for discussion; just a general concern they accept a lot of grants in this town for various reasons and from various sources and they want to be sure they are accepting them correctly so there is no crossing of the line with the Ethics Commission rulings. The question was then what is the right process in dealing with this. He talked to town counsel and also has spoken to the State Ethics Commission and they have given him feedback. They looked at this several different ways and there were other groups who offered suggestions to the State Ethics Commission and gave examples and they gave further examples and in each case the Ethics Commission basically said that the process they currently use now is acceptable however there are situations where it is more acceptable in the sense if there is a perceived problem with the way they do it. Individuals, who apply for the grants and accept the grants should fill out a proper form and disclosure and file it with the Town Clerk's office. Another suggestion was to try and use the friends of groups and they used that in several instances this past year and several groups formed these friends of groups to accept grants and funds and that is probably the cleanest way of doing this. The long and short of it was that they actually do have a policy of accepting gifts and grants that currently exists. Because there is no one exact way of doing this because each situation is different, what he recommended to the Board was that before people apply for grants or before they accept gifts that they certainly review them with their office and in some cases with town counsel because they want to be sure that they are doing them correctly. They are acting out of an abundance of caution but also perception they want to make sure that they are doing this so people don't perceive them in being in any way shape or form stretching in one direction versus another. He made some recommended changes to the Board's existing policy that he would like the Board to have a discussion about tonight because at the end of the day it is their policy. It is a

recommendation only at this point and he thinks it is a good discussion to have so everyone is clear about what the intent is here. They are very grateful for everything that is thrown into this town, everything that is given to this town and they want to make sure that it never gets perceived otherwise so that is really the only reason for them having this discussion tonight is that they stay above the fray in terms of that perception and concern that may get generated from time to time.

Ms. Coppola stated she was a little disappointed in what he presented to them and while there were some changes the basic change for the existing policy was you just threw grants in there where grants weren't mentioned before. Her concern and this has been going on for months is she just doesn't think it is a good idea for town employees, town committees, town boards and town entities to be soliciting donations or applying for grants. She was disappointed that in his review of the policy he didn't mention that it would be best practices to have the friends of groups applying for grants and soliciting donations because that way they are removed from the town. Even though when those groups do solicit donations and apply for grants, and they give them to their appropriate board or committee that they are working with, it still has to come back to the Board of Selectmen to approve the acceptance of that. She feels when you have a Friends Group soliciting donations and applying for grants, there is a separation between the entities that give the donations and give the grants and the town especially when you have an entity that comes before the Board of Selectmen, the Planning Board and Zoning Board of Appeals and a decision has to be made on something. She was hoping that there would be a separation there because she is really concerned about perception. Mr. Mitchell stated that town employees have to apply for grants if you look at Recreation, Ms. Duncan's position, Conservation, all those department heads every one of them has to apply for a grant so you have to allow town employees to apply for grants. Ms. Coppola stated that they have to be applied for through a friends group. Mr. Keegan stated that is not always the case. He would like to say his feeling about that was he fully understands her position she has taken on this and they want that to be the lead and recommended method of use but there are many instances where that is not necessarily required so he left that position open so that yes, it is one method but not the only method because there are many instances where people can apply for grants through the federal government, through private foundations, through different groups that they have no business with otherwise and it doesn't require them to necessarily go through that process. He thinks if he said that as an exclusive measure in doing it that way, then they would be going through a step that isn't necessarily required in all instances. Ms. Coppola stated that she understands that; if the Planning Board applies for a grant from the State of Massachusetts, the State of Massachusetts is not going to come before the Board of Selectmen on a license or a permit that they have to vote on so there is no conflict there but when you get an entity that comes before a board you need to have a separation and that is where a friends group would be the appropriate vehicle. Mr. Keegan stated that is a method but not a methodology. The methodology would be that they would come to his office, review the grant application with him before they apply that way this wouldn't be a discussion that would be debated later on and say what is the right process here and what is the right methodology. He stated that Ms. Coppola was talking about a method and he is talking about a methodology so that is what he is recommending in the policy is a process by which they go through that and most often cases it is a five minute discussion to say why are you applying for the grant. The other question he can ask at that point is, are there any matching funds required of that so they would know upfront as well if there were any issues

like that because sometimes there can be an issue that comes up later on also so they want to make sure that is a good process from the very beginning.

Mr. DeVellis stated that he has a little bit of a different take on it. The town employees and department heads and the onus is on the department heads so when grants come forward they read the grant and maybe they solicit it or maybe a board brings it to them and they go through the ethics training and they go through the conflict of interest training and he relies on the department heads to go through it, put their signature on it and then bring it forward and that it is a legitimate grant and there is no conflict of interest. The Board of Selectmen have also taken that same training so when it comes in front of them they can ask the same questions or they can opt out or they can say no and he has a lot of respect for anyone on this Board that says granted it meets the letter of the law but I think there is a conflict so I am going to vote against it and that is fine, that is why they are elected and they do their homework. He was surprised reading through the policy; they had an in-depth policy because a lot of times people come in front of them and they use common sense but there is a policy that is set. What he is concerned about is the process of the department heads or the boards doing what they need to do and coming to the Board it gets sidetracked by going through town government. No disrespect to Mr. Keegan; five years from now there might be a different town manager and it may be a very valid grant or money that is coming that gets there and Mr. Keegan says no for whatever reason and it takes the Board's ability away from the common group that is bringing it. He doesn't care if it is a friends group or a moms group or Joe Smith wants to donate money because his ancestors died, it takes that away from the Board. Policies change when mistakes are made and they all look back and say how did that happen. Over the last months of dealing with this, there were no mistakes made, the departments or groups brought forward grants and they voted on it and it got into this Quagmire that they were doing something wrong or somebody was doing something wrong. They are all able to call the Attorney General and he has done it three times on this issue and they put it in writing and Mr. Keegan has copies and they said the process that was followed was absolutely the right process. Our attorney sent correspondence back and said what if maybe you didn't understand this and added three more things on it and they came back again in writing and said what part of it works, it was done right doesn't the town understand in pretty much those words, nothing was done wrong. We are changing something because they had a disagreement on the Board and now everything goes through the town manager and it takes their ability away to have that dialog and do their homework. Mr. Keegan stated from a policy perspective you have the right to say if he says no to it, someone can always go back to the Board and appeal that to the Board. His decision in that regard would not be the final decision but it is more a review process to say here is what I recommend that you do and these are the steps that I recommend that you take. If you choose not to do that at that point if something goes wrong that is all the advice that they gave them so that is the approach.

Mr. DeVellis stated that the ultimate thing that bothers him on this whole going back a few months to where they are right now is there was a grant that came in and everyone panicked because there was no separation. He doesn't want the separation, he wants the name on it of who is coming, he wants to sign it that he approves it and he doesn't want to play friends of groups. They had a grant that came forward, everyone got a little skittish about it, they changed their name on the grant to go to the YMCA that was bringing it forward when it was coming from another entity so the YMCA was going to get credit for a PIP grant that the YMCA never put a

dime out of their pocket for and everyone was going to be in front of the Board and they were going to say well there is the separation and we are okay with that. That made no sense to him but that was on their table and he took it off the packet but that is what happened when they tried to find separation and it is almost like the shell game in that we don't want to take it from them but put this name on it and it is okay. That is what he thinks they need to avoid; they don't need to have that separation, they need to have a name on it and if you like it you vote for it and if you don't, state why or if you don't state why or you don't say why and you don't vote. They are five members and that is what they are elected to do.

Dr. Elfman stated that it seems to him they went through the process making sure they did things right and they did. The Board has been doing what they are supposed to do correctly for a long time and he thinks now having that policy in front of them and adding a few new words "grant" and he thinks it is important because it is a little bit different when it was first written than now but he also agrees with Mr. DeVellis that he thinks going through Mr. Keegan is an added step that they don't need. Mr. Keegan is part of that process when they all get that application and he can throw in his two cents worth at that time too when they are discussing it as a board to help them make the decisions that they need. Mr. Keegan stated that the only drawback to that is that once he gets it, it is past the time the grant has already been applied for or the gift has already been received. The Board is the final approval so the only suggestion he is making here is a procedural process and he is acting with an abundance of caution here and acting at a standard which is higher than most places would have because of the situation. We live in a high profile place and they want to make sure that they don't get perceived as doing anything that might be wrong; that's it. This is a generic policy and it applies to any grant process just to make sure that they are following the right procedure before they start the process and before they get into a situation where it gets really tangled at the very end and he is trying to avoid all of that.

Mr. DeVellis stated that adding grant to whatever terms they had before is fine but maybe the language should be that they encourage department heads to meet with town management but not required because what he is doing in effect is buffering town departments from making the right decision rather than requiring them to go to him, he would rather require them to figure it out and do their research on their own. He can encourage them but not require them. Mr. Keegan stated that they don't want him to be the gate keeper but they want to encourage people to get the advice.

Mr. Feldman stated that he thinks the intent would be just the town departments, not the friends of groups. Mr. Keegan stated that the friends of groups there is no issue there at all. Mr. Feldman stated that it is really to vet out the separation of the department heads and kind of get another layer of approval before the grant goes in just to make sure that there is no perception of misappropriation; just to have another set of eyes on it so when it does go and it gets applied for and hopefully approved and it comes to the Board, it will be completely vetted and then they can have the opportunity to say "okay that's great we can do it" or say "I don't feel comfortable with it so I am not going to vote for it". Ms. Coppola stated that was the whole idea of the example Mr. DeVellis gave of the skittishness. What that was, was the Town Inspector had applied for a grant from an entity that he inspects that has come before the Board of Selectmen that they license; there was no separation. That is the skittishness and that is the stuff that you have to be very aware of. What really got her on this was Chandler Jones; that incident when Mr. Jones had

his incident down at the police station and Chief O'Leary made a statement and the media all of a sudden thought that maybe there was a cover up. We had media here for a whole week wondering how they were going to deal with the crisis. What that was, was a perception of wrong doing; a perception of a cover up; a perception that the Boston Globe and all the media globed onto and that is exactly what she wanted to avoid. There could have been a perception with Mr. Casbarra when he applied for that grant that you give me the money and I will make sure the inspections go okay or I am going to give you money and I want to make sure the inspections go okay. That is the perception and that is what you want to avoid. And that is why in an instance like that going through a friends group would have avoided that perception and there are some grants that have to be applied through town departments and she understands that but those grants won't cause a conflict of interest. There are going to be two things that you have to look at; the things that might cause a conflict of interest and the things that don't and that is why the things that possibly could, those are the things that should go through the friends groups. Mr. DeVellis stated that he thinks he would be more comfortable saying Mr. Casbarra you are the applicant do you have a conflict, this is what is bothering me or would you rather have that same grant application, the same money go through a third party, the third party come to the Board and say everything is fine. He thinks there is more of a danger to that. It is kind of like money laundering. It is going around the table and they are okay with it as long as no one says it came from that person. Ms. Coppola stated that it is not money laundering. Mr. DeVellis stated that it is the same dollar and same application and it is for the same cause but it is under a different name. Ms. Coppola stated that they are going to get the money anyway and why not do it so that this board; her as a voting member can be comfortable accepting a donation or a grant.

Mr. Mitchell stated that there is zero conflict with Partners in Patriotism, there is 13 citizens of this town that totally decide where that money goes; it is not Robert Kraft, it is not Jonathan Kraft, it is none of them; it is 13 citizens that are on that committee that decide where that money goes. There is no Bill Casbarra or any department head. If there is a need or opportunity there is zero conflict unless one of those 13 people is going to pull a building permit. He was on the inaugural board and they set up all of the parameters and they went over every scenario. 13 residents of this town decide where that money goes, nobody else. Ms. Coppola stated that there still could be a perception. Mr. DeVellis stated that there is always going to be perception but he would rather have it discussed at their table and they can say that it meets all of the requirements, no one has done anything wrong but I am uncomfortable because I think there is a perception so I am going to vote no and that is fine, he applauds everyone for doing that but it has to be at their table with the applicant in front of them not a third party friends of group because they are comfortable and that's what bothers him.

Mr. Feldman stated as far as the media and the perception you are not going to control that dialog, they are trying to sell papers and they are going to throw darts at the wall and try and create something out of nothing. Mr. Keegan stated they are acting with an abundance of caution and they are trying to do a standard here which is higher in some regards. It is for good reason and out of protection for everyone that is there. Mr. Feldman stated that if Mr. Casbarra filled out the application and sent it up to Mr. Keegan's office and Mr. Keegan takes a look at it and if there are any questions then Mr. Casbarra can call the Attorney General or the Ethics Committee and maybe it gets caught there and they make a phone call and say "yes, no problem we understand it and it is not an issue". If they have to they can get an opinion from town counsel

and if that is all clear they send it along, it gets approved and it comes to the Board of Selectmen and they can ask the question; is Ethics waiting on it; is the Attorney General waiting on it and town counsel. If all three answers are yes, then okay. That is good enough for him if everyone has weighed in or if they didn't like the opinion that he gave so you back away from this one and that gives the Board the ability to say yes or no based on the grant application but it will be fully vetted before it gets to this Board. Mr. Keegan stated that his point is that he is just acting as an advisor to people because granted; he knows grants get applied for all the time and gifts get accepted all the time but they just want to make sure and he might be wrong in some cases on his advice. Mr. DeVellis stated that in that case you are wrong on that advice and it goes back and never gets to the Board. Mr. Keegan stated that he doesn't mean it that way. It would be very rarely that he would say "don't apply for the grant" he would perhaps say "you shouldn't be the person that applies for this grant, maybe someone else" in other words someone else that wouldn't have a perceived conflict. They could still apply for the grant and still get the same result but maybe you don't have the same individuals, he might have had someone else do it as opposed to that one person doing it. Mr. DeVellis stated he thinks that it is a great discussion to have but to have it mandatory he thinks it takes away the responsibility of the department head; he thinks that is their responsibility. He thinks they know better than a town manager on what their conflict is. They can run it by him but the onus has to be on the people that they pick to run their departments. It is not overly complicated and the Attorney General is available every single day by e-mail or call and you get a good response.

Dr. Elfman stated that he thinks adding the words at the end that anyone can ask the town manager's office for advice at any time. Mr. Keegan stated they are not looking to give bad advice or to hurt people in the process, they are just trying to not end up with an issue. Mr. Feldman stated that the intent is not to create another layer or suppress the department heads authority or ability to apply for grants. He thinks the intent would be just to get another set of eyes on it from a perception standpoint or transparency standpoint to make sure that all the i's are dotted and t's are crossed and they are not doing something that could come back to bite them or create a lengthy discussion at this table. Mr. DeVellis stated that they are in a snapshot of life here and they have a great town manager and they have also had not great town managers before so there could be a not great town manager and everything is going to go through this not great town manager before it gets to them. Mr. Mitchell stated that that was a good point if you historically look back at what was here before. Mr. DeVellis stated encouraged yes but mandatory he is not going to support that change and the change to adding grants to whatever language they had in there for money or donations is fine. Mr. Mitchell agreed.

Mr. Feldman stated if they could amend this and add "a recommendation". Mr. Keegan stated that the Board recommends that you review your application with the town manager or assistant town manager before you submit it. Mr. Feldman stated not so much for content but for appropriateness. Mr. Keegan stated just to say okay is there an issue here before they accept it. Mr. DeVellis stated that if he is the common thread. He stated look at the Opioid crisis, the Health Department is doing one thing and Police and Fire doing another. If you know something that the other people don't there is some benefit of having that discussion. Mr. Keegan stated that it is another method of centralization of the process which again not to take away from anyone's authority but again to make sure that it is cleaner and smoother. Mr. Feldman stated just for appropriateness, not for content.

Dr. Elfman stated on Section 5.1 can they change that to “gifts made to town boards, committees and/or applications for grants or gifts made by the boards or committees “can be reviewed by town manager’s office”. Mr. Keegan suggested “recommended to be reviewed by the town manager’s office”. Mr. Keegan stated that he would work on the language and resubmit it to the Board for further consideration.

Mr. DeVellis stated that their biggest problem is who they are taking money from it could be a lot worse. Mr. Keegan stated that he wanted to re-emphasize the fact that they are very grateful for the gifts that are given to this town and they are more than happy to accept it and they don’t want to end up with an issue in the process and somehow taint the individual that has given the money or the department/individual that is receiving it.

Mr. Mitchell stated that gift they discussed was \$15,000. Mr. Keegan stated that we have not formally accepted that so what is the pleasure of the Board on that. They have discussed it publicly now. Mr. Mitchell stated that we have had the check since March in which Mr. Keegan stated that we have not deposited it and we haven’t done anything with it. Mr. Mitchell stated where it was on a public agenda could they vote to accept that just to put closure to that. Mr. Keegan stated they will put it on the next meeting. Mr. Feldman stated that the question is under whose name is that under. Mr. Keegan stated the YMCA did actually apply for that grant so they put their name on it. He has the actual application. Mr. Mitchell stated that they got that check by Bill Casbarra applying and the Partners in Patriotism granted Bill Casbarra and the Town of Foxborough that grant; not the check so that is the check they have to vote for and approve. Mr. Keegan stated that is the question before them; do they want to accept it in that direction or do they want accept it from the YMCA. Mr. DeVellis stated unless the YMCA gave the money. Mr. Mitchell stated that they will take another \$15,000 from the YMCA. Mr. Keegan stated they were doing that out of help to the town. Mr. Feldman stated they were trying to do the right thing but it is creating the perception of a shell game; entity “X” applied for the grant but it is not really kosher for them to apply for the grant so they are going to apply through the YMCA. Mr. Keegan stated that in that instance he wants to make sure the proper disclosure is filed for that if that is the case. Mr. Mitchell asked if the Partners in Patriotism approved the YMCA grant in which Dr. Elfman stated that they did not, they approved Bill Casbarra’s grant. Mr. Keegan stated that answer he doesn’t know but he does have the actual document because he got it from the YMCA themselves. Mr. DeVellis stated that in fairness to Bill Casbarra just so everyone knows what happens, that was the one for the Sharon Wason Pavilion and the people that were on that committee; Tracey Vasile stepped off in the middle; Bill Grieder retired from the board and Bill Casbarra got last man standing and that is how his name got on it. Mr. Keegan stated to be clear that money is strictly for building of that new pavilion so clearly no one is benefiting by that except for the community in this case but again there could be a perception because of the positions the individuals hold. They just want to be clear about the proper disclosure forms and everything else that has to be filed. Mr. Feldman stated that he would prefer to do it the way it should have been done originally. If Mr. Casbarra applied for it, let’s have the disclosure forms filled out, vet it and then they will go forward with it.

Mr. Keegan stated that he will bring back the policy on June 28<sup>th</sup>.

## **9:11pm – Alcohol License Discussion – William G. Keegan, Jr.**

Mr. Keegan stated the town has an all alcohol license available because of what happened with the license that was turned in by the Legion when they closed. Initially there was some speculation that this was a club license and not an all alcohol license but upon further research of that it was discovered that it was an all alcohol license that has no limits on it, it is not site specific or anything it is for town wide use. The question then becomes that license is now available; the Board needs to have a discussion at their level to see how they want to handle that license going forward or any situation like that because he doesn't know that they have ever had a town discussion about this about how you want to vet licenses. Just because someone applies doesn't mean they will automatically get it. You could have multiple people apply for one license and then the question is who do they give it to. Then the question remains should it be a case of next person in line gets it and that's just the way it works or the more bigger discussion than that is they have this license that has significant value because it is a town wide license that can be used in a very strategic way as a way to entice a new development to come into the town that could really benefit many people including the economic development philosophy for the town. The chairman and he talked about this and he knows there were other board members having those feelings about this and want to go certain ways so he wanted to have a conversation there with all of them about that and get their reaction to that on how they think they should best deal with it.

Mr. Feldman stated in going through the whole license process through town meeting and understanding that the state legislature is requiring communities to make licenses site specific until at some point somewhere down the road they are going to get out of the licensing business and basically grant that authority to communities. Until then, any additional licenses that they request from the state legislature is going to have to be site specific. Having said that, now that they have this town wide license that basically can go anywhere in the community all of a sudden it becomes extremely valuable and in his opinion they have to be very careful on how they use that. He actually had a thought of using that town wide license almost as a temporary license or a flex license until a site specific license is either requested or becomes available at which point that town license would be turned back to the town and they would get a site specific license. They reached out to Dave DeLuca for his opinion on that. Mr. Keegan stated that Attorney DeLuca researched this and he also thought it was very creative because he said he has not come across this anywhere in other communities and he actually thought this through a little bit but one of the things he found out in dealing with the ABCC is that there would be no basis that if once granted that license if it were to be turned back, would have to be turned back based upon a legal requirement under the state statute. If a person violated the license conditions and the Board held a hearing they could then pull the license that way and it is usually after two to three instances that this occurs. There is no foundation in the law to allow a community to grant a license and then pull it back once another license becomes available. In other words, they go through the legislative process with the site specific licenses and the Board takes a proactive step to grant a license to a particular entity, they give them the license and then the new site specific license comes through. The goal would be to try and get them to swap licenses, take the site specific one and the all town license comes back to the town. Of course the person could say they like that license better because it gives them more flexibility. At that point the Board wouldn't have the ability from the ABCC to gain it back; however, Attorney DeLuca suggested

they could do it under a civil measure. If they put an agreement in place with the individual saying if they take that license under the terms of an agreement with the town and there has to be a pretty significant penalty if they didn't they will be liable to pay that penalty if they didn't turn the license back so you can do it that way but you can't do it the other way. Mr. Feldman stated that it would not be enforceable under the ABCC but it would be enforceable under that civil penalty and they have the authority to put that type of restriction on a license as the licensing authority so that was one thought. He thinks understanding the process where it is a 9-12 month window to get a license available, if they don't have these licenses in the cue you can see how valuable this temporary license would be to bring an entity into the community a year to eighteen months in advance of getting a license and having that license available kind of opens up an opportunity. Mr. Mitchell asked if the Economic Development Committee have anyone that has been kicking doors down looking. Mr. Keegan stated that they know of a particular entity that has been waiting for a license and there are others too that he knows of that are looking to develop in the downtown area but the question is going to become who gets the license. You could easily have an application before the Board at the next meeting. Mr. Feldman stated that a good example would be if they didn't have the Tastings license available at Patriot Place and the Scorpion Bar came in, now here is a 360 seat restaurant that is going to contribute significant meals tax money to the town, would they redeploy that license to bring them in temporarily and hopefully transfer to a site specific license once applied for through town meeting or do you take that license for the entity that is next up that might be a 20 seat restaurant that does a lot of take out and use that valuable flex license town wide and use it for that entity or do you hold it for that other potential for the greater return on the investment. There is no right or wrong answer he thinks it is just how much value do you put on that license.

Ms. Coppola stated that she thinks it could be an issue of fairness too; you have that smaller entity that has been waiting years patiently for a license with the idea of the next one that becomes available he will get it competing right now with other similar restaurants who have all alcohol pouring licenses and you want to talk about economic development, that is one thing but you also have to consider economic maintenance. This person has been patiently waiting and what the idea is if you do award that license with the proviso that when the node specific license comes in, it goes back to the town. What you are doing is you are giving an economic boost for however long it is going to take to that entity that has been a good business partner to the Town of Foxborough that has been waiting very patiently in order for him to be able to compete better with the other places in town. Mr. Mitchell stated any other new business that would be thinking about coming to town with build outs and all that, they are a year or so away anyway and they could take this license if there is an existing place and put it to use right away temporarily as long as they are in agreement to sign that. Dr. Elfman asked if it was true that the old Legion is having a restaurant downstairs. Mr. Keegan stated that it is being looked at right now for a possibility of redevelopment as a combined mixed use. Dr. Elfman asked if they knew they were looking for a potential license. Mr. Keegan stated that has not emerged yet but he knows it is being reviewed with the Planning Board right now. Mr. Mitchell asked if they could fast forward twelve months when they get all of the licenses they applied for then this flex license what do they do, do they keep it a flex license or if another restaurant wants to either open at Forbes Plaza that they didn't plan on or the center of town or up on Route 1 do they just give it to the highest bidder. Mr. Keegan stated that it is the Board's call. Mr. Keegan stated that it is the policy they want to make. Mr. Feldman stated you fast forward, they took into consideration

when they asked for the licenses and some of those businesses have been waiting a long time and that is why they did that. The Economic Development Committee made that recommendation so he thinks fast forward, they have the license available and they still have the fire station which was one of the licenses that they had asked for hoping that was going to move forward. You will have site specific licenses available and hopefully they will be deployed with some existing businesses and possibly new businesses and then they still have this license that can go anywhere. Bear in mind that they still have a license that is site specific to Chestnut Green with no taker right now. The town wide license in his opinion has a higher value than a site specific license because it can go anywhere and depending on the consumption of those future licenses that are site specific this could supplement any one of those development nodes. Mr. Keegan stated that there is another thing to consider is that they are not granting any more. Mr. Feldman stated you can't get a town wide license anymore so there is real value to it.

Mr. Mitchell asked if there was any way they could petition the state to free that one up or does that have to stay specific. Mr. Keegan stated that you would have to go back to the legislature to get that. He doesn't know what the conditions were, was it part of the development? Ms. Coppola stated yes but if the state is working toward node specific licenses they are not going to free that. Mr. Mitchell stated that it almost seems like that node is liquored out, he can't see another liquor establishment going in there. Mr. Feldman stated that the market is going to dictate how many is too many. He doesn't think they will ever get that license out of there and he thinks they would have to turn it in and reapply for another node. Mr. Keegan stated that there was some discussion but he thinks the owner of that establishment owns property down there and he thinks it is actually of value to that development. Mr. Keegan stated that they don't need an answer tonight. He thinks it is a good discussion to have and they should think about it and maybe come back at their next meeting and try and have a further discussion about it because this requires some thought. Mr. Feldman stated that he thinks what the goal was, was to get everyone thinking about it and thinking of the value and some ideas on how to deploy it moving forward because what happens if another entity goes out that has a town wide license, what do you do with that license so at some point over time they are going to have to figure out how to deploy it. Mr. Keegan thinks they have to think about it fairly quickly because you don't know when someone will walk in the door and say they want that license but having said that, they should have that discussion before it comes up.

### **9:25pm – Selectmen's Update**

Mr. Feldman wanted to thank the Founders Day Committee for a terrific job again with Founders Day. They had a battle with all the rain during the middle of the field day over at the Booth and the parade was great and it looked like it was well attended and the fireworks were other than the weather and the clouds really good. He wanted to thank Mr. DeVellis for his efforts for the Flag Day dedication of the flagpole earlier this evening; good job and there was a lot of effort and he wanted to thank Mr. Mitchell. They spent a lot of time and the Flagpole Committee, Tina Belanger, Rachel Calabrese and Jack Authelet for his vision. He remembers that he sat at the table and he said this has to be a community effort; it was a community effort and he thinks it is something that the whole community is proud of what happened up there and it was through a lot of hard work from a lot of people so thank you to everyone.

Mr. Mitchell stated that Founders Day was a great day but he asked Mr. Keegan to look into the Board of Health, he knows they are doing their job but they had one person down there inspecting 15-20 different groups that had applied for food licenses and they need a better game plan for Founders Day, it just slowed all of the them up and he used to have a booth down there for all the nonprofit things (Scouts, etc.) and that is their only window to make any kind of money throughout the whole year and if they are being held up which again the Board of Health should be inspecting or doing whatever but there needs to be a better game plan so it is done earlier in the morning, the night before or something so could he just talk to them and find out what the process was. Mr. Keegan stated he will do that and there is additional staff time being built into the inspectors position starting July 1, 2016 so maybe that will play into that and hopefully they will be able to address that.

Mr. Mitchell stated he wanted to go back to Memorial Day and he wanted to thank Mike Johns wife. He doesn't know if anyone noticed but all of the wreaths that they have now are brand new and Janice Johns made all of them so a shout out to her.

Mr. Feldman wanted to congratulate all of the 2016 high school graduates. They graduated between the Board's meetings so they didn't get a chance to congratulate them. Also the Sage School all the 8<sup>th</sup> graders that graduated moving on and he was able to attend that. Congratulations and good luck on the next phase of their lives and congratulations to the parents.

### **9:30pm – Town Manager Update – William G. Keegan, Jr.**

There has been a lot going on the past few weeks. This is something that he meant to mention earlier in the AAA bond discussion because he thinks it is worthy of mentioning and that is that not only are we fortunate that they have had excellent policies, excellent management, excellent stewardship of their finances here but they have to take the opportunity to thank all the people that contribute to that including the commercial and residential taxpayers who pay into this community because let's face it, we are fortunate that they have large taxpayers like the Kraft Group who pay significant amounts of money to the town; Schneider Electric who is another major contributor to their tax base. Some of the new developments such as Chestnut Green, the new development at Foxboro Furniture that has actually started up this week and all those pieces are really important to this overall process of defining that AAA process and he neglected to mention that earlier because they just got caught up in the process. It is really important because they need to take this time to thank folks for that because without having those contributions and without that support in our tax base, we wouldn't be getting AAA ratings and it is really important that they recognize that collectively. He has always taken the time to think about that and wanted to take some time to mention that as part of their process of getting that accomplishment. Thank you to everyone that has done that and to all the residential taxpayers everyone who invests in this community because ultimately that is what leads to those kinds of ratings.

Marsha Armando and Chris Gallagher met at 3:00pm today for the National Grid new pole location at 33 Commercial Street and no one from the public showed up so therefore they recommend moving that permit forward. The Board will see that in their action items tonight.

They had a lot of discussion about the Mass Premier Courts incident and he has developed a report which he was prepared to talk about tonight but he understands that the person who was a victim would like to come forward and discuss it at the next meeting. He thinks if they are going to do that, they really should have the benefit of Mass Premier Courts there as well because they should be able to respond to that so it should be a balanced report. He can also tell the Board about his findings and that was they have been meeting on a regular basis with the fire, police and Building Commissioner and the owners he just met with last week. It was a very positive discussion so there are pieces that they still want to work on but he doesn't want to make any public statements about that without them being there because he doesn't think that is fair to them so he would rather wait on that until the next meeting. Mr. Keegan stated that should be an agenda item and he will read into the record his findings and they can certainly add to that and certainly the person who wants to raise the concern can do that as well.

During the time they have been away a couple of things the past few weeks the legislature has worked on two important pieces of legislation; one is that amendments were made to the Public Records law which is going to be coming out and effective around the first of the year but there is going to be a lot of information coming out about that and he will get them something in their packets that they can start looking at. There is going to be some training about this going on so there are changes that they are going to have deal with. It has been a long time since that law has been amended so some of these changes are pretty different from what they have seen in the past and it could result in a fair amount of time being spent on this issue depending on how it rolls out but that remains to be seen at this point.

The next piece of legislation that was acted on this past week was that there was pretty sweeping reform in some zoning issues through the Senate and that was being pursued through the MAPC and it did pass this past week in support of 23-15 so they are waiting to see what it does now and when it goes to the house and ultimately to the governor to see how that rolls out. That was another issue that has not been significantly altered in the past 20 years. There were some concerns that the MMA expressed about the original piece of legislation presentation and he talked to an MAPC representative this morning who told him that had been amended so he doesn't know what the final version looks like that came out of the senate at this point. Ms. Coppola asked if that issue was the Zoning by Right in which Mr. Keegan stated yes, it was the Zoning by Right issue that was being discussed where they would have certain zones that would be Zoned by Right for multifamily districts despite the fact that you already have met your 10% which we have and that raises some concerns on their level so they are waiting to see what the final version is. Ms. Coppola stated especially when you consider downtown development that could open it up. Mr. Keegan stated at that point you want to have a discussion about where you would want to put it so maybe that is an area for discussion. Ms. Coppola stated that is a discussion you want to have with the Planning Board because they can interpret the legislation that will affect this. Mr. Keegan stated at this point it is strictly one piece of the puzzle, it is not a full piece of legislation but it caught a lot of attention this week when it went that far.

He has been attending the National Leadership Summit that was held in Boston this year and it was the first time it has been held in Boston, normally it is held in Washington, DC. This is the Smart Growth America and it talks about development and this is the development committee from across the country and Bill Ross was there, the Town Manager from Mansfield and it was

interesting because they both had the same issues that they were talking about and seeing if they could create this development a corridor for them and see how they can work together to make that work. There was a lot of interesting discussions about that. It was interesting to be in a room full of developers and they were interested in hearing what they had to say about it also.

### **9:05pm – Assistant Town Manager Update – Mary Beth Bernard**

They are in this behind the scenes time that not many people know about but all municipalities dread. It is kind of like between town meeting and the beginning of the fiscal year and the wrap up of this fiscal year so you are implementing all the contract terms, the pay plans, performance evaluations and wrapping up seasonal hiring in time for July 1<sup>st</sup>. They had a bunch of job postings that closed that they are working on so they are in the process of getting in touch with police chief candidates to set up telephone interviews as well as administrative assistant positions that they just screened those resumes as well. Yet to do are the HR Assistant and some of the Lateral Transfer Police Officers and they are screening all of those next week and they will be reaching out to them to set up interviews.

They have been very involved with promotional processes with fire captains and lieutenants and those are wrapping up. Next week they will be sitting on the Deputy Assessment Centers and they will be doing a promotional opportunity in Dispatch for a Communications Manager. Tomorrow they will be hosting another task force meeting for the Opioid Task Force, they have another guest speaker coming in and that group is kind of really taken shape and it is a lot of key department heads and community members in attendance.

They have been working really hard with the new personal bylaw changing coming up with a policy manual so they continue to work hard with the Personnel Board and using an HR counsel. She anticipates when maybe late fall coming to the Board with some of these policies and they have sort of approved some one off policies as they have gone along but they are coming to them with a comprehensive document and more policies. There is now only about 12 people covered by these bylaws in addition to the seasonal people, because everyone else is under contract but they are trying to really work to streamline terms across contracts and policies. They have a meeting with people covered by the bylaw next week just to try and keep them abreast of what is going on so they will keep the Board updated in the fall and winter on that.

They are wrapping up job description reviews. They have 51 job descriptions they are doing over and she just met with the Library staff today and they are updating their job descriptions with them as they have not been updated since 1997/1998 so they are really outdated.

There is no lack of things to do in the HR world and there are also lots of great opportunities to do things in the community as well.

Mr. Feldman stated that he thinks everyone got a letter from the NRRC in their packet but they were invited to a boat tour of Neponset Reservoir on Thursday, July 14, 2016 from 6:00pm-7:00pm. If anyone is interested let them know so they can make arrangements. They are looking for a new liaison for their committee. John Gray was the former liaison and he wanted to thank Mr. Gray for his years on that committee. If anyone is interested in serving as the

Board's liaison step up. He thinks they are also looking for a Housing Trust member. Mr. Keegan stated yes, a member of the Board to serve on the Housing Trust. Mr. Feldman stated that Ms. Coppola and Dr. Elfman were interested. Dr. Elfman stated that if Ms. Coppola was interested in the Housing Trust he would do the NRRC.

Motion by Mark Elfman to appoint Virginia Coppola to the Housing Trust. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Christopher Mitchell to appoint Mark Elfman to the Neponset Reservoir (NRRC) liaison. Seconded by David Feldman. **Vote 5-0-0**

### **9:15pm – Action Items**

Motion by Mark Elfman to approve the BOS Minutes for 5/31/16. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to approve the (6) Commercial Parking Permit Renewals expiring on 6/30/17. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation in the amount of \$25 for programs to the Council on Aging from Mr. & Mrs. David Resncik. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation in the amount of \$285 to the Council on Aging for the 5/4/16 program by Paolo DiGregorio & Galapogos Island Program by Dana Zaiser from the Friends of Foxboro Seniors. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation in the amount of \$450 to be used at Foxboro Recreation's discretion from Gregory Spier. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation in the amount of \$710 to be used for tuition for two children to enroll in the Booth Summer Program from the Partners in Patriotism Fund. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept the petition for a new pole at 33 Commercial Street. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to approve the reappointment of Robert Worthley to the Canoe River Aquifer Advisory Committee expiring on 7/1/2019. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept the gift donation in the amount of \$100 from Don & Alison Marum for the Friends of Foxborough Flagpole. Seconded by Christopher Mitchell.

Mr. DeVellis stated they met their goal and they have a little money left over and they are talking to Mike Johns about different options on that last memorial of the Veterans of recent wars. Mr.

Keegan stated that he was waiting to see if there was something they needed. Mr. DeVellis stated that some of the discussions were going in that direction and other ones stated to clean up the granite as well. What they have planned is they are going to meet within the next week or so and look at all the expenses and come up with a final number and then make an announcement. He thinks it is right to see if anyone that donated to the flagpole if there is money left over if they want that money back before they spend it on something else so they will make that public announcement. He knows one thing; it will stay on the common. This money will go into that same fund. **Vote 5-0-0**

Motion by Mark Elfman to approve the appointment of Steve Bagley as an Associate Member to the Historical Commission expiring on 5/1/19. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to approve the appointment of Ken Bryant as an Associate Member to the Historical Commission expiring on 5/1/19. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation in the amount of \$250 from the Moms Club of Foxboro to purchase Children's materials to the Boyden Library. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept the resignation from David Gaffey effective 5/1/16 from the Veteran Services Advisory Committee. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation in the amount of \$100 from the Foxboro Historical Society in memory of Ralph Guimond for programs at the COA/HS. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation in the amount of \$25 from Jim Soloway 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 a One Day Beer & Wine license on 6/22/16 from 5:00pm-9:00pm for the Residence Inn with a rain date of 7/13/16. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to adjourn at 9:49pm. Seconded by Christopher Mitchell. **Vote 5-0-0**