

TOWN OF FOXBOROUGH  
SELECTMEN'S MEETING  
JUNE 28, 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. George Bell, Stadium Advisory Committee  
Ms. Cathy Donegan, Stadium Advisory Committee  
Mr. Mike Ashapa, Stadium Advisory Committee  
Ms. Colleen Deschenes, Stadium Advisory Committee  
Mr. Randy Briggs, Stadium Advisory Committee  
Mr. Tim Eagan, Stadium Advisory Committee  
Ms. Lee Ann Bruno  
Mr. Mark Sullivan  
Mr. Anthony Bruno  
Mr. Mike Vaughn, Mass Premier Courts  
Mr. William Casbarra, Building Commissioner  
Captain Buckley, Fire Department  
Mr. Roger Hill, DPW Director  
Ms. Livia Binks, Partners in Patriotism Fund Committee  
Mr. Arthur Jewett, Partners in Patriotism Fund Committee

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

David Feldman read the agenda.

**7:00pm – Citizen's Input**

No one was present for Citizen's Input.

**7:05pm – Selectmen's Update**

Mr. Feldman stated at last week's FoxCares meeting the group approved the \$500 donation to the Foxboro Discretionary Fund and in addition they are going to be running a Food Drive which ends on Thursday and they will be delivering all of their collections to the Discretionary Fund and their goal was to provide all of the summer lunches for the kids so that is really a good thing that they are reaching out and doing.

The Foxboro Farm Stand opens Saturday, July 9, 2016 for the summer and they are looking for volunteers so if anyone wants to help out they would love to have you. Please remember that all proceeds benefit the Discretionary Fund.

Thursday night, Concerts on the Common presented by the Jaycees and it is usually a good time. Support the local businesses and get some food from downtown and hang out for a little while.

A special congratulations to Christopher Mitchell who received the Lifetime Achievement Award for Community Service. The award was given by Personal Best Karate at their Black Belt Spectacular. Personal Best is no stranger to community service; they have been contributing to Foxborough, Mansfield and Norton communities for the last 25 years with endeavors such as the Turkey Brigade and other things. Mr. Mitchell thanked him.

Mr. Elfman asked what the policy was as he received a letter from a town resident through the town hall and there is something that he wants to bring up but asked if he would do that through Mr. Keegan first. Mr. Keegan stated if it is something they can address administratively then yes. Mr. Elfman stated something like that when they get a letter, give a copy to Mr. Keegan and he will take a look at it. Mr. Keegan stated yes and if it is something that needs the full Board's discussion they can certainly do that.

**7:05pm – Vote/Discussion on SAC Membership & Overview of Current Duties - Stadium Advisory Committee – George Bell, Mike Ashapa, Tim Eagan, Randy Briggs, Colleen Deschenes**

Mr. Bell stated that they were there tonight to give the Board a feel for what their committee does as well as request the three additional members be considered for members of the committee and thirdly to ask for the Board's input on any changes they feel they would like to see on the way their committee handles themselves as well as the responsibilities that they feel that they should do.

Mr. Bell has been on the committee for 15-20 years and the primary responsibilities of the committee are that they have three functions. The first is they receive the applications as the Board has received them and they hold a meeting of the public officials as well as the committee and the people from the stadium and they review the applications. Their feelings and their review is to garner input on public safety and public convenience in terms of events up at the stadium. Their second function is to provide the Selectmen with a summary of that meeting and their recommendations on the proposed event. Thirdly, they have their members present at concerts (not necessarily at football games/Revolution games) and he wants to say the bigger major events to observe the impacts and to staff the hotline. The stadium has a hotline and they basically go up and they register any calls that come in (noise or public safety related); especially noise related, they communicate to the people who have issues and they would solicit from there to have safety officials, specifically Commissioner Casbarra will go out and get a gauge of noise issues and what have you. Fourthly their function is they will provide observations based on those significant events to the Town Manager and the Board based on what time the concert ends and was there anything extraordinary that they observed or they heard.

They are there to say that the stadium has become more popular. This year as a for instance they have 14 major events that they have to staff for and in comparison in past years (2015) there were 10. They try and get at least two members to each event and it has been difficult to get the coverage. What they would like to recommend is that the three candidates that they have interviewed; they have been at the last two of their meetings and they literally had them interviewed by all of the members and they felt that they would be very good new members to bring on. They are looking to raise the level or the number of the committee from 12 to 15 and they are not sure if they need to stay at that level but based on future year concert events and as their committee gets older, it is inevitable that they are going to have changes. They have a member that has moved out of town and he is not sure he is going to find a home in town so it would greatly help them. Lastly, they would ask for the Board's input to see what they want them to do as a committee as well as areas they would like them to pursue and help them with.

Mr. Ashapa stated that they are expecting over the next few years several people to retire and they need to develop younger people that can assume leadership roles and they need to teach them what they look for, how to handle issues (there are normally many) and get people to the point where they can see future chairmen and future vice chairmen.

Mr. Feldman stated that he doesn't know how their committee is set up, does the Board have to vote on increasing their members from 12 to 15. Mr. Keegan stated that looking back on the history it is a Selectmen's appointed committee and he hasn't been able to determine conclusively. He thinks it is probably okay that the Board could enlarge the size of that committee if they so choose. The other alternative approach could be to just name these members as alternate members that these people could fill in if other members of the committee are not available. Mr. Feldman stated that he knows in the original minutes it stated that "this committee may be enlarged in the future" he just doesn't know what the mechanism is to do that. Mr. Keegan stated that it is a Board committee so the only question he has is, is it a town bylaw. He doesn't have that answer for them right now, he will have to check on that. He didn't see anything in the documentation that was listed on the status of that but it is a Board appointed committee so they have the ability to make those appointments. Mr. Feldman asked if it would be appropriate to appoint them as alternate members. Mr. Keegan stated that he doesn't think there is anything that restricts them from doing that. In the event that members are not available these members can serve in that capacity. Mr. Feldman stated at which point they can do the research and then bring it back and increase the board. Mr. Keegan stated that it was one of the things that he wanted to do but couldn't do it this past week. As far as appointing alternates, they can certainly do that; there is no restriction on that. Mr. Feldman stated then it would be up to the Stadium Advisory Committee to set the guidelines for the alternates until they can figure out if it is a bylaw or not in which Mr. Keegan replied yes. Mr. Keegan stated that if it is a bylaw then they simply go to town meeting and expand it but in the meantime they clearly need some help and if they have people that want to volunteer their time and serve in this capacity he thinks it is a great thing for the town.

Mr. Feldman asked if the Board had any questions on their functions and if there was anything they would like to see them do differently. Mr. Mitchell stated that he had a question on the hotline that they manned during the events and wanted to know how busy that was; do they get a lot of calls. Mr. Bell stated no, there was a lot more with the old stadium but with the new

stadium and the way it was constructed, it depends on cloud cover. There would be 2-3 a year based on 4-6 concert events. Mr. Ashapa stated that the hotline actually goes into the stadium switchboard and the switchboard takes the appropriate information and they will page them or call them (they will find them) and they will call them back. Mr. Mitchell asked if the complaints they do have is all just noise complaints. Mr. Bell stated yes, those are the ones that they would deal with. They observe the traffic and typically on a concert that has a potential festival atmosphere they would go into the lots to see what the public safety manning levels are; how crowd behavior is outside the stadium and how they respond to get the crowds in so that it doesn't get too unruly. That is really observing versus they will go to the first aid stations as well as the police holding area to see how busy it is and the activity. Mr. Ashapa stated that since they built the medical building and the Cross building, it has really closed off that end of the stadium and the wind is predominantly coming in that direction so Walpole basically has a sound barrier now. Mr. Feldman asked where the hotline number is published, where would someone go to call the hotline to lodge a complaint? Mr. Bell stated typically in the Foxboro Reporter, there is a condition that they need to publicize it the week before an event. Mr. Feldman asked if we have that posted on the website in which Mr. Keegan stated that they could. Mr. Feldman stated that if someone has a complaint, they don't know who to call. Mr. Keegan stated that they can take care of that.

Ms. Coppola stated that Mr. Bell develops a report for a pre-event and wanted to know if anyone develops a post-event report and what happens to that post-event report because it certainly doesn't go to the Board of Selectmen. Mr. Bell stated that they do have a log that they either E-Mail or fax after each major concert event to the Town Manager and that has the basic start time, end time, any hotline issues, traffic issues that they observed that were extraordinary or anything else that might have been a factor at the event so they do, do that. Mr. Keegan stated that he has seen a couple of them but hasn't seen all of them so he thinks on a more regular basis they should be sent to them. Ms. Coppola stated that it would be nice if the Selectmen could have that given to them because they have concerns pre-event and it would be nice to know that maybe their concerns were unwarranted post-event. If they do it electronically to Mr. Keegan, then Mr. Keegan could forward it to the Selectmen because she thinks that would be helpful. Mr. DeVellis stated that it would be helpful to him because a lot of the events are a repeat and it is nice to see if the reports could be in one place. They would get their reports and read through them but it would be nice to see the one from the year before that may be relative. Mr. Ashapa stated that he has been on the committee for 17 years and they have been sending the reports in after every single event since he has been on the committee. Mr. DeVellis asked where he sends the reports in which Mr. Ashapa stated the Town Manager. Mr. Bell stated that they could have been faxed; he is not saying they are totally consistent but he would say concerts they would be. Mr. Keegan stated that some of the big events he has seen, but he hasn't seen all of them so he doesn't think anyone is at fault here. Mr. Bell stated that he appreciates they would like to see them. Mr. Keegan stated that electronically is probably the best way they should do it, if they can do it that way he can just forward it along to the Board. Mr. Bell stated that he will set it up.

Mr. Feldman asked for a motion to approve three alternate members to the Stadium Advisory Committee.

Motion by Mark Elfman to accept Tim Eagan, Randy Briggs and Colleen Deschenes as alternative members to the Stadium Advisory Committee. Seconded by Christopher Mitchell.

Mr. DeVellis stated that if they find that they don't need to make them alternate members without any further action Mr. DeVellis would amend that motion if Town Counsel and the Town Manager find that it is within the Board's right to appoint them as full permanent members and it would save them from having to come back. Mr. Bell appreciated that because what they will then do is they need to approach the stadium so they can get credentials so he is not sure if that will make a difference.

Mr. DeVellis stated that just briefly looking through the write ups of each of the candidates and included in their report the major issues are traffic and noise complaints and a little of the protective custody issues that got raised but it is nice to see two of the members are somewhat local (Young Road, Hayden Road and Morse Street). Mr. Bell stated that they are impacted most.

Mr. Feldman stated a motion was made, seconded and amended under discussion.

Motion by Mark Elfman to accept the amendment as amended. **Vote 5-0-0**

### **7:25pm – Action Items**

Motion by Mark Elfman to approve the 6/14/16 Board of Selectmen's minutes. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept the resignation of Lucy Erhard effective 5/1/16 from the Foxborough Commission on Disability. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation in the amount of \$120 for half of the May Tai Chi Class at the Foxborough Senior Center from the Friends of the Foxboro Seniors. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation in the amount of \$40 anonymously for the Lock Box Program to the Council on Aging. **Vote 5-0-0**

Motion by Mark Elfman to accept the resignation of Jennifer Savikis effective 7/27/16 from the Historic Commission. Seconded by Christopher Mitchell. **Vote 5-0-0**

Mr. DeVellis stated that he knows the Historic Commission is screaming for help on a lot of issues so if there is anyone out there that has some of the background and ambition to help them please do so. They are doing a lot of things and they are probably one of the committees that are under budgeted and they try to do a lot with a little. There was one meeting he went to and basically they were saying that there used to be a member that worked full time and had the time to do it and now a lot of the people are just a few hours here and there so they could use some help. (not necessarily present at a football games/Revolution games)

Motion by Mark Elfman to accept a gift donation in the amount of \$75 for the Senior Center programs from Evelyn Malm. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation with a value of \$1,500 for an Engraved Compass Dedication Granite Plaque from Morse & Beggs Monument Company donated to the Town and the Friends of Foxborough Flagpole Committee. Seconded by Christopher Mitchell.

Mr. Feldman asked if this winds it down and this is the last piece. Mr. DeVellis stated that the box is buried, the granite is on top of it; the flagpole is done completely and they are going to regroup next week and there is some money left over. First they are going to announce it so if people want some of their donation back (which there is not a lot that is left over) they will give them the opportunity and see if they can transfer that money over to the common on another project soon to be announced.

**Vote 5-0-0**

Motion by Mark Elfman to approve the renewal of Steven Feinstein to the Norfolk County Advisory Board with a term expiring on 8/1/2017. Seconded by Christopher Mitchell.

**Vote 5-0-0**

**7:28pm – Discussion of Events of April 2, 2016 at Mass Premier Courts – Lee Ann Bruno, Anthony Bruno, Mark Sullivan, Mike Vaughn**

Mr. Feldman stated that they all received Ms. Bruno's letter and they are aware of what happened and he thinks what they want to do is identify what fell through the cracks and lets identify what they can collectively do to do better so this doesn't happen again. That is how they want to address it because it was an unfortunate accident and he doesn't think they can prevent the accident from happening but hopefully after the accident does happen it can be a little smoother.

Mr. Sullivan stated for the public's knowledge because he understands that they have no awareness of what has even occurred, should they read something into the record. Mr. Feldman told Ms. Bruno to give a summary of what happened and what some of her concerns were through the process. Ms. Bruno stated that she thinks the first paragraph of the statement certainly encompasses the emotion and the facts of the situation so she will read that. As she wrote this when she was driving one morning on her way home she said:

“Picture this, you and your family are traveling internationally, perhaps in a third world country doing mission work for a local church or school and your child has an accident. Your child is lying on the ground with a Joe Theismann like contorted broken leg. Your child is screaming in agonizing pain with hundreds of people listening and watching him. You ask for medical assistance but get nothing. You look for signs of first aid but there are none. Your child is sweating profusely and is going into shock. Your child continues to scream in pain so now transfer this imagery to Mass Premier Courts in Foxborough. Picture your child in agony for 25 minutes again with a Joe Theismann like contorted broken leg. This because the employees would not dial 9-1-1 from a landline despite repeated requests. Now picture emergency first

responders not being able to enter the parking lot and gain immediate access to Mass Premier. Again, picture the lobby so crowded the emergency responders have to fight their way into the facility and finally picture your child on the stretcher with first responders trying to fight through the crowded lobby to an ambulance which now does not have a clear path to exit the parking lot in an effort to get him to a trauma center. Please picture all of this and feel the trauma as though this was your child or loved one. Feel as though you too were in a third world country with no resources whatsoever instead in Foxborough, a middle class suburb in Massachusetts, in the United States.”

Mr. Feldman stated that is kind of what happened at a basketball game at a tournament at Mass Premier Courts. Mr. Feldman stated that Mr. Keegan had conversations with public safety and the owners of Mass Premier Courts and asked that he give them an update of what happened. Mr. Keegan stated that it was a very unfortunate sort of circumstances and he is glad he is on the mend and hopes that never happens to him again and he is glad to see that he is doing better. They did conduct a meeting in their offices back at the end of May/first part of June in response to the letter that they received. He assembled the team consisting of the Police Chief, Fire Chief, Building Commissioner and the owners of Mass Premier Courts in their offices. They tried to determine what actually happened and are trying to establish the facts because their job number one is to establish what happened and also try and determine what course of action would have been most appropriate given the circumstances. A number of things that they discussed was the response time; there is clearly a discrepancy in terms of response time but he can see where that might be the case because of when the situation actually occurred to when a call was actually placed. What happens typically in a situation is the person will call on his cell phone and the call will then go to Framingham which is the 9-1-1 center clearing house and those calls then get sent back to the fire department. When the fire department received the call their response time was somewhere in the 8-10 minute range and that was confirmed with the fire department. They then made their way into the situation and bear in mind that there may have been a period of time where that call was placed and to when the actual call was received by the department and the department responded as fast as they possibly could. With respect to the landline connection, that is clearly the best way to contact emergency services and that is something they have discussed with the owners of Mass Premier Courts and he believes a representative from Mass Premier Courts was there and they can actually try and respond to that. They addressed that this is something that needs to be addressed with all of their personnel and they need to be trained accordingly so this type of situation doesn't occur again. They also then looked at the number of calls that actually go to Mass Premier throughout the year in terms of emergency responses for medical situations. The number of calls during the past year was a total of eight which if it is your child of course that one call is extremely important to you. The question was then raised if you have a major event does it make sense to have a EMT on site or have someone that has a medical background serving the event and that is something that he will have to have Mass Premier Courts address as part of their response. While eight calls may seem high in terms of the number of events and number of situations that could potentially occur it is not high in terms of an actual number so therefore that was something that they did discuss but they think there are alternative ways that can be done to address that. The other thing was the access around the building; they looked at that issue because they were concerned about the issue about getting into the property unimpeded around the building and getting access to the building and leaving unimpeded from the emergency vehicle. Since that time they have learned that during the past

year Mass Premier has actually paved around the perimeter of the building itself and that therefore provides service for emergency access and there is an unimpeded access way in the back that doesn't go through the traffic that can gain access to the building so they are looking at that as an alternative way of addressing that property. The Building Commissioner has also looked at the filing situation and has actually recommended a couple of changes to that but they think that the access to the back around the building itself is probably the best way to access the building during emergency situations. He believes those are the key points that they discovered during the whole review but he thinks it would be appropriate to have Mass Premier address some of this situation for the Board so that they can perhaps respond to some of Ms. Bruno's concerns.

Mr. Vaughn stated that first off he would like to say on behalf of all the staff at Mass Premier Courts he would like to offer the Bruno family their sincerest apology for Anthony's injury. As a father of three and a high school coach going on 15 years and a former athlete himself he is very sympathetic to sports injuries and has seen sprained ankles, broken bones, separated shoulders, dislocated knees, concussions, deep cuts and ACL's over his years of doing that. He also wanted to share a personal story in how he is very sympathetic to the parents and loved ones of Anthony. A little over two years ago his one year old daughter had an unyielding fever and as parents his wife and he covered all the bases and even though his wife and he did everything they could their daughter had a febrile seizure. These seizures caused a rapid increase in body temperature. He has never seen anything like this and being his own daughter he never felt so helpless in his life as his daughter laid there aimlessly so he says that knowing and being somewhat sympathetic to what the feeling was at that moment in time. At this time the ambulance took 7 minutes and 32 seconds to arrive and it felt like hours. He remembered thinking that maybe they called the wrong number or maybe the dispatcher forgot them or maybe they gave the wrong address. After the paramedics arrived, he was thinking why are they lacking so much urgency, my daughter has experienced trauma, why do they seem so calm, cool and collective. The reason why he shares this is because he understands the thought process and emotions that Ms. Bruno and her family experienced. When their children are in pain they expect an extraordinary high sense of urgency from all parties involved. They expect a seamless plan that is executed perfectly and as parents this is normally what we receive. However, in the midst of an emergency it didn't seem that way in this case. Mass Premier is managed with empathy and a very aggressive approach and since being notified of the concerns regarding Anthony's injury they have had meetings with the Town Manger, the Police Chief, the Fire Chief, the Building Commissioner along with multiple staff meetings and they have also set up future meetings with both the Fire Chief and hopefully with the Police Chief to be able to review their process that they are going to continue to improve on. They were well aware of the broken leg however it did not trigger an investigation because they were certain that the systems in place were the most effective. It was not until the Building Commissioner brought the incident to their attention that they thought any differently. Unfortunately, this was several weeks after the incident occurred thus eliminating the option for them to review the camera system so they could look at potential areas of improvement. After reviewing their records he was able to assemble a time line of events and how it paralleled with the process and procedures that they currently have and what they were able to find. Anthony Bruno was injured around 10:55am on April 2, 2016; a 9-1-1 call was made from a Mass Premier cell phone at 10:56am along with two additional

9-1-1 calls from random parties. The ambulance was dispatched at 10:58am and arrived promptly at Mass Premier at 11:06am. This was the process that was executed by the Mass Premier staff. Matt who was the manager on duty at the time made the 9-1-1 call from the cell phone that they have; it is a manager's cell phone that they have at Mass Premier at all times. He did ask him why he chose to use a cell phone and not go to the landline and as a 24 year old he didn't realize that there was a difference so a little bit of an error on their part for not letting their staff know that there is a difference. In this day and age most younger people do everything with their cell phones so they didn't even think there was a difference. They did check to see and it shows records of the lapse time between the call to 9-1-1 and the call to Foxborough Dispatch was 35 seconds. Barely after the call was made, Matt went back in to check on Anthony on Court 2 and when he arrived he was being cared for by a gentleman that stated that he had paramedic training. He was on Court 2 at the time and while this was occurring Ms. Bruno was very frantic and completely understandable. Matt attempted to calm her down and reassure her that the ambulance was on its way and then proceeded to observe the paramedic attending to Anthony. He asked if the paramedic needed anything and this all happened extremely quickly. A police officer then arrived at 11:03am based on the call log from the Police Chief and understanding the importance of time Matt asked the police officer if it would be helpful to direct traffic towards the back of the building to allow easier access to the front of the building and the Officer agreed stating that was a great idea. Matt executed his plan which proved to be very effective while the paramedics were putting Anthony on the stretcher and a staff member alerted Matt that there was a young lady in the lobby having a seizure. Again, Matt responded immediately but it did create a little bit of a log jam at the door because the girl (there are two sets of doors and two steps) and it was right there on the left-hand side. Although it may have appeared to be busy and a lot of people, the three young ladies working and Matt had said that it seemed as if the stretcher was able to get out of the building fairly efficiently. It is important to mention that all of their full time staff are all First Aid certified, CPR certified and AED certified and they do have an AED machine located at the building. These full time employees also work along with part time employees during every event at Mass Premier and in other words there was never a point where they were unprepared for an emergency. During all 9-1-1 affiliated emergencies they make sure that the injured person is stable and with another professional before they leave them to meet with an ambulance. In most cases police officers tend to be the first person that arrives on scene so when the police officer arrives their staff member will go out and meet the ambulance out front. It has been their normal protocol that they worked with the previous Deputy Fire Chief and it has always proved to be effective. The average response time to Mass Premier Courts for 9-1-1 calls is between 8-11 minutes and this incident fell within that range. Over the last twelve months as Mr. Keegan had mentioned they had eight calls; seven of them were for paramedic reasons and one was for a false alarm with smoke going off and setting off the smoke alarms. From a different standpoint, one of their staff that works behind the concession stand shared this information with him from her standpoint. Most of the people that work at their concession stands are teenage girls and boys. At the time of the incident based on their employee records there were three young ladies working; a senior employee which means someone that has been working there for 2-3 years along with two other employees in the concession stand. The employee remembers the incident like it was yesterday as a lot of times teenage girls and boys will remember a frantic incident very well. She remembers a lady who they now know as Ms. Bruno came out frantically yelling to call 9-1-1. When she turned she instantly saw the manager walk out of the office and he said he would take care of it. She turned

back to say to the lady something to let her know that something was being done and the lady had already quickly turned back and headed into the court. At this point the three teenage girls were on edge and very nervous as to what they just witnessed. When Ms. Bruno went back the second time they all froze and didn't know what to do because they all felt very awkward and as much as you train your teenage staff to react a certain way and be responsive she felt very intimidated by the situation and especially considering Matt had already called the ambulance. In closing he would like to reiterate his sympathy towards Anthony Bruno and his family. He has experienced both sides first hand as both a former athlete and as a parent who has witnessed a child's immense pain. This is why he can say in Anthony Bruno's case, every party involved followed protocol. At Mass Premier they pride themselves in ensuring a safe playing environment for all of their attendees. After 12 years in Foxborough he feels very fortunate to be running a business in a town with so many great emergency response teams. They have built good relationships after having yearly inspections and continually working to improve Mass Premier's emergency process he has already spoken with the Fire Chief, Police Chief and Building Commissioner regarding any other review of the procedures and like anything else in this world, there is always room for improvement.

Mr. Mitchell asked when they have large major tournaments do they ever hire an EMT detail. Mr. Vaughn stated they do not. Mr. Mitchell asked if that was something that they were going to look at in the future of changing in which Mr. Vaughn stated that they will take recommendations from the Fire Chief and Police Chief. Mr. Mitchell stated that if they have that many people in a concentrated area like that playing a sport there are going to be a lot of injuries that do happen. Mr. Mitchell stated that they have events where he works all over the country and if they have 100-200 people they hire emergency details for them so it is just his recommendation.

Mr. DeVellis stated he understood what happened inside but asked him to explain the circular pattern outside in the parking lot with the signage and barriers that they have set up because his daughter had a game at 5:10pm today and all of the end aisles, the 24' accesses were all blocked off except for one 12' aisle which you had to go all the way around to come outside and even though there were signs that said no parking and ticket tape there was a car parked in the drive aisle where it said no parking and then there were three live parking people waiting for kids to come out so even at 5:10pm it didn't seem like all the spaces were filled and it was still concerning especially where he was on the agenda tonight to see that situation at 5:00pm before this meeting. He hasn't looked at the site plan but when you have to put in plastic horses all of the time to bring everyone out which means you have three dead end aisles that if someone comes down to the parking horse they have to back up he can't imagine that is a good way to circulate the clients coming in. Mr. Vaughn stated that he would differ a little bit of the answer to both the Police Chief and Fire Chief and it is probably unfair to say the current Fire Chief because they have not met with him since Deputy Chief Bagley retired. They had a very good working relationship with Deputy Chief Bagley as his daughter worked for them for a long time and he was constantly in the building and always around so they always had a good open line of communication. That is something that they addressed at the meeting that they have to get back to getting better at. They fell into the mold that they exist and everyone has kind of left them alone so they won't call them and in reality he thinks at the end of the day it is probably their job to continue to keep those lines open. With the Building Commissioner he thinks they have a

great relationship because they come and do yearly inspections so they have that. In terms of the building, there is always one way that you design something and over the course of the years you try to improve on that. The reason why the cones are up is because they actually tried to create a one way because what they were finding was that it allowed them to move cars in a better path where if you can envision two cars coming each way and an ambulance or a fire truck coming in, now it creates that much more difficulty in terms of getting cars in and out. They have had this discussion in their conversations with the Fire Chief and they do have a planned meeting to meet after tonight and into July and come up with different areas and concern in wher he thinks they can strengthen their no signage signs and put up more cones and make sure that they do have some paint out on the road in terms of making sure that those things are better tied up at this moment. In terms of traffic, there is a good traffic flow that goes through. He believes Mr. Casbarra was at the building this weekend when they did have an event and he won't speak on his behalf but he did come back with what they took as positive feedback so he will let him comment more on what he witnessed and what he thought he viewed. They have done things and they have added an employee parking lot out front to allow the employees easier access to get in, get parked and stay out of the main customers way as again many times you have teenage employees who are parking in the first couple of spots and your customers are parking two lots over; refs and officials are doing the same thing so they have tried to move them away. They have entered a partnership with the building next door where they do have the walking bridge so there are people who can pull in and park directly next door and it helps traffic flow. They have also become a destination place for a lot of people. If your daughter is playing there now they are going to see him every Tuesday night for the next 8-9 weeks and when people do that they get comfortable where they start parking in spots where they not necessarily should be. They don't want parking on the left-hand side of the islands they only want parking on the right-hand side so those are things that they have already ordered the petitions to have the rest of the way blocked off and they are going to make parking lines along the way so that they can create a one parking lane/one driving lane as opposed to one driving lane with two parking lanes. These are things that they constantly review but he will say the reason why those things are up is because of a recommendation of the previous Deputy Fire Chief and their site engineer. When they designed it, it is probably not the way they would design it if they were building it today so what they tried to do is create more one ways because everyone thinks it functions better if you have one ways as opposed to two ways. Even backing out, they were a mall nightmare with cars backing out at different angles. When they first opened in the first six months and Chief O'Leary might be able to remember this, they were down there almost every single week for traffic jams. They had traffic jams on Route 106 that backed up beyond the Route 95 Bridge and went the other way up beyond four buildings down. They have now avoided this and he doesn't think they have had a traffic jam since their first year created on Route 106 and he thinks the reason why they feel that happened is they did open up and create everything as a one way so you have to go in a circle and people have to cue, you can't cut people off; when people back in and out they go in a certain direction so they have done that primarily on the recommendation of the previous Deputy Fire Chief and their site engineer is a local guy. Mr. DeVellis stated he is right, that was then and this is now and it has been his experience that it was complete chaos until they had the cones and everything set up. What is the enforcement if someone today parks where they are not supposed to be parking? Mr. Vaughn stated that they do have an announcement system and they can make an announcement over the loudspeaker to let someone know to move a vehicle. They have had to only call once where someone refused to move and

they had them towed and that has only happened one time in twelve years. It is definitely something on their list that they can be better at and have someone walk the parking lot on a more regular basis and help move people more to the back of the lot. During their two large events in March which is their largest events where they do bring in the most traffic they actually do hire a police officer detail for the afternoon to ensure that the front parking lot is protected.

Mr. Keegan stated that Fire Chief Hatfield, Captain Buckley and Building Commissioner Casbarra as well as staff members are there in case the Board has questions.

Dr. Elfman asked during the conversation with Mass Premier and Town Staff was Ms. Bruno part of that process at all. Mr. Keegan stated no and the reason was that they looked at the event and the incident was actually well documented so they understood what the issue was and the question was what actually could be done from an operational perspective because they have to look at it from the prospective of what could have been done differently; what was the circulation, was the circulation an issue; was the response time an issue; were the internal actions an issue. All of those things were things they had to address directly with the owner of the property plus they already had the well documented information. They knew that this was going to be coming before the Board so they wanted to try and address it from an operational perspective.

Ms. Coppola stated that from what she understood when Mr. Sullivan first presented this to the Board, this was a major event; it was very well attended and she got the impression that the cars were parked in fire lanes as well as cars were parked everywhere and was that true. Mr. Vaughn stated that they would have no way of knowing if that was the case because they don't have their film data to review. Ms. Coppola asked if there were a lot of people at the event; was it a very well attended event. Mr. Vaughn stated that he would say that it was fairly well attended. Ms. Coppola asked at what point they kick off getting a police detail. Mr. Vaughn stated the case in March is a different style tournament where everyone plays a single game and then leaves because it is the Metro West Playoffs and a lot of people stay and scout and watch their future opponent. When they come in they tend to stay and celebrate a little bit longer but everyone plays a single game and then leaves so if you can envision 12 teams playing and then at some point during the day 12 teams are showing up, that puts 24 teams in the building at any one time and that is about their capacity for parking which is why they have the police detail and they put three attendees out in the parking lot and they try and drive the traffic through. At an event like in April and most of their events other than the weekend in March all of their tournaments are done in three game sets so most of their games are "play, sit, play"; you play a game, you sit a game and you play a game so in that case it is the same people that are there for multiple games and then they leave and then the new set comes in and does the same type of format so the traffic flow is a lot different plus when you look at an NAU event, or a club event like this particular event was, you get a lot less people that attend; you usually get a single parent because the parents are usually doing 75 things on that day with their multiple children so you usually get a single parent who attends and you usually don't get the grandparents, uncles and aunts. During the Metro West Playoffs, they do get the uncles, aunts, grandparents, sisters, brothers; everyone comes so it becomes a much bigger deal. He thinks it is probably relevant if Mr. Casbarra talks about this event that they had on the 18<sup>th</sup> when he did an observation of the parking lot because that is a very similar event of the event that they had in April and in terms of what he saw, most

of their parking when you go out to the back is not full but again it is something they have to do a better job of with their most comfortable customers. They have customers that show up at Mass Premier 5-6 days a week and the more comfortable they get they will park anywhere and that is what he thinks they have to address and they have to do a better job of making sure that they drive more people to the back of the lot. It is not a case of not having enough spots, it's a case of driving people a little further away from where they would like to park as opposed to parking close to up front which would leave the entrance a little bit wider. It wasn't a case of the ambulance being blocked because obviously the ambulance got to the door it is more of a traffic flow to ensure that things are moving efficiently as possible. Ms. Coppola stated that she took a ride around the parking lot and the parking lot wasn't filled but she did find it a little confusing as it was the first time she had been there. Ms. Coppola stated that Mr. Vaughn had mentioned that now they have access to the back of building and they had paved the back of the building and that is where the ambulances will be going in. Mr. Keegan stated that is something he had mentioned as part of their observation in speaking with Mr. Vaughn. Ms. Coppola asked how does the ambulance access the back of the building; does it still have to go all the way around. Mr. Vaughn stated it has access directly to Route 106. They have two entrances and they have had it for a long time it just was never paved and a vehicle could go around it but he thinks the Fire Chief had mentioned that they do everything in terms of their biggest, loudest truck has to fit. That is on their agenda to review and things to look at to make sure that, that vehicle could fit down that path to ensure that they are doing everything. The reason why they have the plastic "A" signs was that if a fire truck were to have to make that corner and they weren't moved they would just run them over as opposed to something that is more concrete to direct traffic. They do move them but in a major emergency where someone didn't get out to do them they would run them over because they are only plastic signs and they would get to the spot. Ms. Coppola stated that access to Route 106 to the back of the building, is that strictly for ambulance and fire? Mr. Vaughn stated that it is not. Ms. Coppola stated that anyone can use it and possibly someone at a crowded event could park there also. Mr. Vaughn stated that it is unlikely because you would be literally parked in the middle of the road. It is a one lane road and on the side of it, it falls by 3-4 feet. It is a deep enough fall that you wouldn't want your car to go over the ledge of it. You definitely don't want to park there because your car would be slanted. The three areas on one side, it would be very uncomfortable to park there. It would be no different than literally parking at the entrance in the front but again it is something that they have to add to their list. Do people use that access to get into the parking lot? Mr. Vaughn stated usually just to get out of the parking lot and then they do use it to come into the employee parking lot because the employee parking lot is back in that corner. Ms. Coppola stated that second entrance doesn't mess up their travel pattern in which Mr. Vaughn stated that it works with it.

Mr. Feldman stated that what they will experience this time of year is very different than what they will experience in January through the end of April. He doesn't play basketball but he spent a lot of time from November to April at RBI. Mr. Vaughn mentioned 24 teams playing at Mass Premier and he isn't taking into account the 10 AAU teams that are practicing in the winter in RBI that share that parking lot. He has been there many times on a Saturday in January and February and he can't get a parking spot and he has to drive around the building a couple of times and finally get a spot; go into the building whether his son was working out up at Elite or whether he was working out in the cage, it is crowded. Sometimes you have to walk sideways to get by through the corridor by the concession stand so he thinks they have to think about

different times of the year how they are going to manage the traffic situation depending on what is going on out back and take that into account as well not just what is going on in front because with RBI and the AAU programs you have cars coming and going just dropping off and picking up and when they stop, they are stopping that traffic flow so he wants him to take that into consideration. The other thing that he wanted to mention is that his daughter competes in gymnastics, she is in the Junior Olympics Program and she competes in tournaments all over the country but at every gymnastics meet there is always either an athletic trainer or an EMT because you never know what is going to happen and he wants them to strongly consider that. Not at all the tournaments but at the big tournaments where you are going to have a heavy crowd presence; think about it, take it under advisement and take it into consideration. He thinks that may have been well served in this case. He thinks timing is a big issue obviously Ms. Bruno and Anthony what may have seemed minutes to Mass Premier must have seemed forever for them. What is the right time, the town has records, they have records and they could go back and forth with he said, she said but he thinks what they want to do is make sure that Mass Premier is employing best practices so this doesn't happen again.

Mr. Feldman asked what the total occupancy for the building for Mass Premier Courts including Mass Premier Courts, Elite upstairs and RBI in which Mr. Casbarra stated 800. Mr. Feldman asked how Mr. Casbarra determines that, is it stationary there, coming and going. Mr. Casbarra stated that it is the area of the building; it is the type of use that is being considered. Each use would have a different threshold for the amount of people that can occupy the space. That building was designed for 800 and that included the bleachers, the office part of it and as Mr. Feldman pointed out, the RBI and Elite. They all have different criteria for area but it was designed for 800 for the sum of all those and once you get that number then you have to figure out the amount of egresses and that building has 7 egresses around three sides and then the main access which is through the double doors, it is just the way that it has to be designed but there is adequate egress to get out of the building. Mr. Feldman asked how many parking spaces. Mr. Casbarra stated that he didn't know off hand but as Mr. Vaughn pointed out, they do have an agreement with the abutting properties next door with that parking lot that is there as well so it would be a total of two of them and that went for site plan approval so when the parking lot as Mr. Feldman pointed out was full that day, they can use the auxiliary parking lot next door. Mr. Feldman asked if Mr. Casbarra had ever done an inspection in February during one of the tournaments. Mr. Casbarra stated that he would have to check the records and they tend not to do their Certificate of Inspection during events but rather when the building is vacant. He did go to the tournament on June 18, 2016 just to check traffic flow; he did count occupancy because that is a concern of his but they were under by about 200 on that on that particular day. Mr. Feldman stated that it is a very different place in January and February versus June. Mr. Casbarra stated what they can do is check occupancies on those times as well. Mr. DeVellis stated that it is also like a shopping mall and you don't design for Christmas Eve shopping or the week before but with the understanding that they are going to come at that time, you need resources outside and it could be the point either get a bigger boat or you have less people on it. If you go to Mass Premier and he completely relates with what the Chairman is saying, he has been there when cars have been on both sides of the lot and where the grass area is at the beginning and it has been a nightmare in the winter months when Mass Premier Courts are playing because people don't leave and they do stay around and that's something that is not in his code and it is not going to say so many parking spaces per person unless they leave early or

stay late so he would suggest if they could do an inspection during the Metro West Tournament. Mr. Casbarra stated in particular he would think during the transition times when tournaments are leaving and the next participants are coming in because that is when you are going to have your highest volume.

Mr. Sullivan stated as some of them have been involved with boards in the past, they have had their FEMA Training and their SIMS training and he can guarantee them at the point of this accident there were over 2,500 people in that building (between 2,500 and 3,000 people). He has been involved in many of these tournaments and if he could talk about the one situation where they had the fire alarms go off and he was there that day and no one stopped the games, no one moved, he walked out on the floor and told his children to get out of the building with their coaches and they just kept playing. He exited the building and no one exited the building except for his family. You know how people just ignore alarms well that is what happened that day and it was frightening because the rest continued playing for 2-3 minutes. There are a lot of discrepancies here but their focus here is public safety and he is sure that is what the Board's focus is and the occupancy of that building is within three times or more filled many times. He has been going there himself for many years. The fact that all these simple requests should be no brainers. There should be a paramedic there. When your son played football there is an ambulance and staff there. You are talking about 8 incidents in the building a year so that makes 1 ¼ a month. He has seen other children injured there and outside how many incidences have there been in the road. He has gone by that multiple times and there has been a rear end collision once a week and that just ties up the whole scenario. The building is not designed exteriorly for the amount of people that go in and out of it and it is often loaded and he is in the trade and it is well over what it can take. He understands that it is a business and they are trying to maximize their profits but if you just count the numbers and you have 12 teams and you say there is 144 that is just players never mind the coaching, staff and family and then 12 are coming in you are already at half occupancy and that is not counting RBI so there is a big discrepancy there. He took pictures of the parking and he sent them to Mr. DeVellis at one point in time and he still has them and you couldn't get through. These are children and if they are 24 years old or younger, to him they are still children. They were actually told by Officer Foscaldo what to do and they just panicked themselves in the parking lot, they didn't know what to do. These kids aren't trained for this stuff; they are serving burgers and fries so he really stresses the fact to the Board that they have the right to make the request that there is a paramedic on duty at these facilities. If this was the stadium it would be looked at so much differently and scrutinized so much differently. He understands it is a business in town and he wants them to succeed and they have done a great job succeeding but these underlying issues need to be addressed and not next February or March but immediately because something is going to happen; it is not if, it is when so he wanted to stress that they put some stipulations in to the Board's authority as soon as possible.

Ms. Coppola asked if the Board of Selectmen had the authority to say at every event you need to have a police detail because if they had a police detail at that event and she is assuming that it didn't have a police detail at that event, that a policeman could have been on the phone right away to the public safety building and that would have gone quickly so there was no police detail. Could they mandate there be a police detail at every event and also an EMT at every event and if it is three businesses the burden of the cost would be borne by the three businesses

because it sounds like there are three businesses that are doing things at the same time if you have an occupancy of 800. Mr. Keegan stated that the Board doesn't license the events that occur on this property, it is private property so therefore the ability to just require those things are just somewhat limited. He thinks they can strongly recommend and strongly suggest and he thinks the owner has acknowledged the fact that they have internal procedures they must address and that recommendation is a really good recommendation he doesn't deny them that but he doesn't know if they as a Board have the ability to enforce that. Ms. Coppola asked if it could be part of the inspection department's requirement. Mr. Keegan stated that the inspection is a safety requirement in terms of the building itself not the event. The Board doesn't license them so as a result they have somewhat limited authority in that regard. The Board can recommend it is in their authority to do that.

Dr. Elfman stated that he finds it hard to believe that they have sanctioned AAU events and aren't required to have an athletic trainer there. There is not an AAU event that he is aware of or Pop Warner or Lacrosse that doesn't require as part of their bylaws to have an EMT or athletic trainer is there. He is shocked that there is not one there. Mr. Vaughn stated that if you look at the sports that require it, it is wrestling, football, hockey and lacrosse and all those have one thing major in common and they all deal with major head injuries. Dr. Elfman stated that he can't tell him that basketball doesn't have major head injuries. Mr. Vaughn stated that they have had one head injury in 25 years. Dr. Elfman stated that he knows of. Dr. Elfman stated that if there is a trainer there and it is advertised that there is a trainer there a parent might be more likely to bring that child to the trainer for an evaluation that is what they are trained to do. It is more than just those sports, he is sure gymnastics in which Mr. Vaughn stated gymnastics is a head sport in which Dr. Elfman stated of course it is but so is basketball and so is baseball; how many kids get hit in the head. Mr. Vaughn stated that baseball doesn't require a trainer at any of its sanctioned events.

Mr. Keegan stated that he thinks the recommendation if he can speak on behalf of the Board is that Mass Premier consider that very seriously because he thinks what the Board is trying to convey based upon the incident that has occurred here that this could repeat again and he thinks what they are looking for is some indication of a set of steps that Mass Premier is going to take proactively to try and address these situations. Having a trainer on site is a good recommendation and he thinks given the size of the events that they hold it is not an unreasonable recommendation. He doesn't think the Board can require that of them but he would certainly consider it.

Mr. Feldman stated that he thinks they are all supportive of the business and they run a great program and obviously it is a destination and like he said he lives at RBI all winter and his boys go to Elite all winter working out but it comes from an issue of public safety when you have large scale tournaments and people staying, people coming and people going it makes sense and the Board would like them to consider it. He doesn't think it is necessary for summer basketball but when they have those big events where you have 24 teams, people coming and going and it gets congested the Board would like them to consider having an EMT or an athletic trainer on the premises during those tournaments.

Mr. Feldman asked Captain Buckley if one of their paramedics were on site did he think their response time would have been greatly increased and did he think the situation would have been a little bit calmer. Captain Buckley stated that you would have definitely removed the aspect of the cell phone call going to Framingham and then being routed back to the public safety building because all their firefighters are issued a portable radio and on any details that they work in the community they take that radio with them so you would have removed that aspect of it definitely. Dr. Elfman asked how much would that have calmed the family down knowing that there was an EMT or an athletic trainer, certified right there stating "I am a trainer, I am on it or I am an EMT and I am calling the station right now"; how much would have that allayed a lot of their fears. Ms. Bruno stated that she can't even explain to the Board but she thinks she tried to in the paragraph of her letter that she just doesn't know what else she can say, it was like being in a third world country. Running back and forth to that receptionist she never even attended to her son, not once and thankfully his father and coaches were trying to keep him from just going into shock and yes, it would have helped immensely.

Anthony stated that he was lucky that his coaches had the slightest bit of medical background. One was a football coach and dealt with injuries such as his and he was lucky that one person out of 2,500 people was like a court medical officer (something along those lines) and he helped him. He doesn't remember the staff coming and checking on him (maybe they did or maybe they didn't) but that still did nothing to help. To counter the response time, it was not 10 minutes, he lay on the ground for 25 minutes at least and he is sure of that. Ms. Bruno asked her son to elaborate when the police and EMT's arrived. Anthony stated it was like a shopping mall Christmas Eve, you can't get anywhere. Ms. Bruno stated to her son to explain when they helped him. Anthony stated that he loves EMT's and he was making jokes with them as he rode to Children's Hospital so that was the best thing that happened in this situation as well as the best thing was that he was riding in an ambulance. Ms. Bruno and Anthony stated that the EMT's did a great job.

Mr. Sullivan stated he wanted to reiterate the response time. He was at Stop & Shop and he got multiple texts from his sister and she sent "To All" and stated "Please call 9-1-1". He called the station and the Dispatcher said to him that they were on their way, he just heard the engine leaving the station and they are having a busy day. The discrepancies are whatever they are but it is about the simple list of a half a dozen things that can save someone else the agony and not just bone injuries. You have a lot of grandparents there and his mother was there and she has dementia and she was all confused obviously. What if a senior has a heart attack; the training is not adequate, they have all been through it and he was trained on all kinds of medical equipment and will he grab the defibrillator; he is sorry but he would rather have Captain Buckley do it, someone that is trained to do it and is a professional. These are very simple requests, hot lines in every court and the cost is nothing; a paramedic for the day the last time he checked was \$350 and back to the time when the fire alarms went off, no one moved. There was no communication and there was no policeman saying please remove yourself from the building. Everyone kept playing and if it was a real emergency and not just a smoke alarm they would have had a situation on their hands and you can't get that many people out of the building that quickly. It is common sense. Do what is best for the children like he always says in this community. There is also a language barrier because there are people from New York, Connecticut, Rhode Island, New Hampshire and he met all these teams that they played; his son

played in these tournaments and they don't understand English half of them so the intercom isn't going to work for them unless you have a bilingual intercom system going. It is not about cutting into profits, it is a simple request. It is going to cost pennies and they are making a good margin of profit and he is proud of them for that and they do a great show but let's just maximize what is best for our children.

Ms. Coppola asked Captain Buckley if he thought if there had been a police detail there that the call would have gotten to the fire station quicker. Captain Buckley stated that he thinks the only thing they really would have removed was the delay from the cell phone call going to Framingham. They don't have access to those types of records but he will tell them that any time you do dial 9-1-1 from your cell phone it goes to Framingham and they use the system to try to ping where you are located out of. They have had instances where the Town of Mansfield was called because the phone call was pinging from Mansfield but it was actually in Foxborough. He is not saying that happened at this point but you would have just removed that at that time. The police obviously have their radios and it would have been instantaneous. Ms. Coppola stated as important as an EMT is at public events a police presence is equally important and that would be a recommendation that she would have to have not only an EMT present but also the police. They would have authority, quick response and you have someone who has training. You have a three for one plus they can do traffic control. In one way she thinks the visible presence of a police officer there is almost more important than the EMT only because you probably use his authority more so that would be her recommendation.

Ms. Bruno stated that she honestly thought she was in Mansfield because it is right on the line. She was not aware of an intercom announcement and certainly if you have an emergency of this caliber and if they checked on her son they would have saw that his leg was contorted and there was no blanket to cover him, there was nothing to cut his shoes off so he wouldn't clot. There was no announcement ever to keep the hallway clear and there was no one keeping the hallway clear. The ambulance and fire truck could not get out because they were positioned going to the end of the lot. She appreciates the thoroughness of the responses but she highly disagrees with a lot of them and had there been an announcement she would have ran to the person that made the announcement and ask why someone doesn't call 9-1-1 from a landline. She begged them asking where the landline was but there was no response because she is smart enough to know that you need a landline and she asked three times for a landline and three times she got blank stares.

Mr. Vaughn asked to respond to the response time and having a detail outside because they do have experience with that, they actually position themselves out towards the entrance so if there were an injury inside the building by the time they would have run out and grabbed the police and bring them in, it would be significantly longer than calling 9-1-1. The same would go for those who have been to the facility inside the way you would save the quickest time is if you had an EMT literally on Court 2 but if the EMT were in the conference room or stationed at a location there would be times that you would have to go and find the EMT or trainer which he is not sure it speeds up the time from the time someone would be able to call 9-1-1 from a Dispatcher. The reason why the ambulance pulled in the way it did was that was a recommendation from Deputy Chief Bagley that that is the way they come in and they have been coming in that way for 11 years because obviously getting in is obviously more important than

the longer way getting out. There is only a couple of extra 100' by going up and going around. Coming in the back way is something that the ambulance and fire chose to do going back 10-11 years so that has been a normal protocol that they have done not because of the parking lot, they could have gone in the other way, it gets you into the building quicker. Ms. Coppola stated that he just made his argument why they should have an EMT person in the building and a policeman outside. Mr. Keegan stated that they also have a radio. She would hope that they would adopt that as best practices. This has been a learning experience and she hopes he learns from it because if it happens again people are going to say to him why didn't he make improvements to their protocol; didn't they learn from the first time and they would have every right to ask him those questions.

Mr. Feldman wanted to make a recommendation to Mr. Keegan that he meets with Mass Premier and the public safety officials and come up with some best practices and report back to the Board and let them know what steps Mass Premier is going to take going forward particularly with the big tournament season and he would like to know well before the big tournament season starts and Mr. Casbarra will be doing his inspections during tournament season. Mr. Keegan stated that now is a good time to have these discussions since most of the major tournaments are over but there is still AAU that goes on during the summer time but they can have that conversation sooner rather than later.

Mr. DeVellis stated on page 4 just summarize, he thinks Ms. Bruno did a nice job and doesn't think any of the requests are unreasonable:

- Have an EMT or Trainer on duty
- Have a Police Officer directing Traffic
- Have a clear fire lane
- Have a landline that is easily accessible
- Emergency First Aid supplies on hand
- One of the managers be a senior staff person and be responsible for clearing the lobby access to the facility
- Verify that the people are trained

He doesn't think that any of these are unreasonable considering at 5:00pm there is still a car parked in the fire lane on the night of this hearing and you are hearing first hand that people have experienced a complete gridlock during events and he is not disputing what was said here. If it does happen again they are going to be sitting at this table saying "well he was just in here a few months ago and I thought he was going to address it". The timeline is short on this if Mr. Keegan could meet and have Mass Premier come back with a plan that says this is what they are going to do rather than have a board tell them what to do and have them own it. He would rather have them own it and buy in and this kind of goes into the traffic and the cones and additional parking on the other side kind of all working together on this.

Anthony stated that he had mentioned that there was only 8 incidents and that is 8 incidents and it doesn't matter if one of those is a heart attack or you die; that means it happened and you can break it down to whatever ratio you want like it only happens every 1 ½ years but it happens.

This happened to his friend four years ago and he witnessed the exact same thing he did so he thinks it is crucial that these requirements be met because it happens.

Mr. Feldman stated that they made a strong recommendation and they are going to follow through with it.

Ms. Bruno asked if she had the right to be kept up to date on the discussions and on the decisions and Dr. Elfman asked if she had been included in their initial meetings and she was not. Mr. Keegan stated that he is going to be reporting back to the Board. Mr. Feldman stated that they will have another public discussion.

### **8:34pm – Order of Taking Of Elm Street Property – Roger Hill**

Mr. Hill gave the Board a plan and stated that it was a result of three years of working with National Grid. Three years Bob Ropone, National Grid's realtor came to him and stated that the Union Loop had a 30' easement along the railroad tracks and was recorded in 1910 by the company that was long prior to National Grid but they never paid the town for the easement. Mr. Cutler was the Acting Town Manager at the time and he and Mr. Hill got together and told them they could cure that with a payment. They negotiated that for about 3-4 weeks with them and came up with a number. The problem was the property at the top of the chart is where the DPW is today and then Route 95 cut that right through where the right of way lines are on the plan and the semi-triangular shape below that is more town property that was conveyed at the same time as the town property at the top. For some unknown reason Mr. Cook's deed to the town for the next piece down is not to be found. They think it might have been taken for tax title but they can't tell. It was pretty sloppy when they took land for tax title back in 1910-1920. They made the deal but they couldn't pay them because they still couldn't get that easement. They thought about different ways to do it and they thought about taking the rest of the parcel by eminent domain but then they found out when they take from owners unknown they have to post the fair market value of that and after seven years if none of the heirs come forward it reverts to the state, it doesn't go back to the town. He finally talked to their water attorneys Attorney Steven Madaus and he asked why they didn't take the easement by eminent domain for utility purposes and then they could convey the easement to National Grid along with the rest of the easement that they are going to pay for. That is why he is before the Board this evening to do that. They want to take that little piece of easement "Easement Location" on the map by eminent domain for public purposes which are utilities and then they want to deed that along with the rest of the union loop easement to National Grid and they are going to pay them \$30,000 for it. In order to do that he still has to post the fair market value of the easement in an escrow account and at the end of seven years if no one claims it, it reverts to the state. He had an appraisal done and the appraiser finally got back to him and the appraisal for the easement is \$600 so the value of the easement total is \$30,000 so they will net \$29,400 and all they need for the Board to do is to sign the Order of Taking and they are done curing a problem that started in 1910.

Mr. DeVellis stated that once there is a value on this (\$30,000) has he exhausted trying to find the heirs of William Cook in which Mr. Hill stated yes. If they come out then they get the \$600. Mr. Keegan stated that the proper steps have been followed and they have gone through town

meeting and then the final step was to get the final appraised value. Mr. Hill stated that they went through two attorneys, Attorney Madaus and Attorney Costello.

Motion by Mark Elfman to take the easement by eminent domain. Seconded by Christopher Mitchell. **Vote 5-0-0**

**8:40pm – Discussion of Sewer in the Center of Town – Roger Hill, William G. Keegan, Jr.**

Mr. Keegan stated at the last meeting the Board had requested that a joint meeting be held between the Water & Sewer Commission and the Board of Selectmen to discuss the sewer in the downtown area. The challenge was that a couple of the sewer Commission are out of town and unavailable but they did have a follow up meeting at the staff meeting with Mr. Hill and Mr. Gallagher to convey the concerns that the Board had expressed at the last meeting. What they determined is that what needs to be done and Mr. Hill is fully on board about doing this, is that the Water & Sewer Commission provide (if they approve this) funding for an engineering study for this particular area to identify what is actually needed for sewer to address the back of the property on Market Street and to connect it into the sewer system. Mr. Mitchell asked if Mr. Keegan said the Water Commission did approve this in which Mr. Keegan stated they have not. This is something that they have discussed and this is a recommendation that they are going to be made to both the Board of Selectmen and to the Water & Sewer Commission. At the end of that once they then determine what the value is of doing that construction they then need to determine what the funding source will be. The funding source does not exist in the sewer fund at this point in time; they do not have that level of capital to do that so they will have to determine what a course of financing for that project is. They know what the issue is; they just need to get to the next step. The conversation with the Board was appropriate at this time to say that we need to go forward on this issue and they all agree that is the direction they need to take and they need to have the Sewer Commission approve that is the course that they want to take to get the thing designed and find out what it is going to cost to get this project up and running and then develop a financing mechanism. It is clearly in the town's best interest to look at this project because it will service a number of properties in the downtown area and it will actually unlock the value in the property along the backside and he thinks it will actually trigger some economic development reinvestment right into the downtown area.

Mr. Hill stated that it is an idea and he looked at this three years ago and they came up with a plan in their heads that they could put a sewer main on Market Street and take it down to the old Foxborough Housing Authority property by gravity and then run it through the gravity lines through the back of the Igo. There is a lift station behind the Igo that pumps the wastewater up over the hill and down to Mansfield. The problem was they never had any money to do it and it is an expensive project. There is some payback in that there are a number of properties in the block right directly behind Market Street that they have postage stamp lots and failed septic systems that they can't replace because there is not enough land area on the lots to get approval for a new septic system. Those people want to buy capacity and he has had a lot of communications with them and they really want to get in and they set aside 12,000 gallons of capacity for the area around the common when they did the original sewer map for the area with the same idea. The biggest problem is capital; how much is it going to cost. He can find that out

and come back and say that this is a pretty good engineering estimate of what they need to have for capital to do it and make the investment and get the sewer in and serve the common.

Mr. Mitchell asked if there were any economic development grants out there that would help either do the study or help fund some of this. Mr. Keegan stated that the study they think they can fund; they have money to do that provided that the Water & Sewer Commission agree with that and that it is the construction piece that they will certainly evaluate every option they can to see what exists to do that. In the scheme of things whatever the investment is (\$300,000-\$350,000) to unlock the economic development potential of that entire area is several times that in terms of value to the town. It is the old saying of “you have to spend money to make money” and that is what they have to do there. Mr. Mitchell stated that he was on board with that 8-9 months ago.

Mr. Feldman stated that one of the things that is troubling them is they had this plan in their head three years ago and now it is three years later and they are saying where is the plan and let's get going. He thinks what they need is they need to know what the cost and timeline is and then once that is identified they can then figure out how they are going to pay for it. Mr. Hill stated that he understood and he put some engineering money in the FY17 budget so that he could take a look at this. They have 960+ customers in the sewer department, they pay the rates and the rates go for treatment and improvements that are necessary to serve those 960 customers and there is very little left over at the end of the year. Mr. Feldman stated that he understands that and he also understands that when you sell capacity, that capacity is going towards debt service. They need to break that conundrum and they need to be able to flow to support the capacity. They have the capacity but they can't afford to pay for it so they need to reverse the trend and this is an opportunity to do it. Mr. Hill stated that they will accrue a small modest amount in the sewer department as they move forward because they were able to achieve 0% financing for 75% of the value of the new improvements to the MFN plant and that is beginning to accumulate. The big money is going to come in from big customers. Obviously they are getting a big check from Hanover and a somewhat more modest check from Foxfield Plaza and they have sold a bit of capacity since coming up to this point. The School Department wants to hook the Burrell up to sewer because their sewer runs right down Morse Street and it may be of great value to them in the long run. Septic repairs are not going to be cheap. Mr. Feldman stated to get a cost and timeline together and bring it back to the Board and get this thing moving. Mr. Keegan stated that the next step of that would be to go to the Water & Sewer Commission and speak to them and make a case. Ms. Coppola stated that the next meeting of the Water & Sewer Commission is July 11, 2016. Mr. Hill stated August 8, 2016. Ms. Coppola stated at that meeting what they are proposing is to ask the Water & Sewer Commission to authorize an engineering plan. Ms. Coppola stated that the Board of Selectmen could authorize the plan tonight. Mr. Hill stated that someone from the Board should make a request to the Water & Sewer Commission. Mr. Keegan stated that the Board can make the request tonight that this is the direction that they want to go and they can authorize Mr. Keegan to make the request to the Water & Sewer Commission. The reason you have to do that is because it is their funding so they are the ones that have to authorize the funding for the study. Mr. Feldman asked if there was any objection on the Board to ask Water & Sewer to move forward with the study. The Board stated they had no objection. Ms. Coppola stated that she thought Mr. Keegan stated that the town has the money to support the study. Mr. Keegan stated no; the money will come out of the Enterprise Fund. The funding

for the construction would be something that the town would have to look at. The Water & Sewer Commission has money in their engineering funds to pay for the study so we would have to ask them to pay for that request which is appropriate because it is water and sewer. Dr. Elfman asked if the Board would have to make a motion to do that. Mr. Keegan stated they need to authorize him to make the request.

Motion by Mark Elfman to authorize Mr. Keegan to make the request to the Water & Sewer Commission to get a study to find out the cost feasibility of continuing water and sewerage on Market Street. Seconded by Virginia Coppola. **Vote 5-0-0**

### **8:50pm – Discussion/Vote of Alcohol License – William G. Keegan, Jr.**

Mr. Keegan stated that this is a pick up from the last meeting. The Board had a discussion at the last meeting that there are differing ideas of how the license could be utilized by the town. He knows that there is interest by a couple of interested parties to pursue this license so he thinks they were trying to determine what was the will of the Board. One idea is to grant the license right now to an existing business and another idea is to look at an alternative greater economic impact consideration and three was to use it as a swing license. A swing license would mean that if it was granted it would get turned back to the town with the condition of a civil condition, an alcohol licensing condition that it would be turned back to the town once the other license became available that was more site specific. Those are the three options that they discussed.

Dr. Elfman stated that he wanted option three. Mr. Mitchell stated that he thinks that would be the best also because his biggest fear is land locking a license. He doesn't know where the two businesses are that are looking but if they are both downtown and they get the other licenses coming hopefully for the downtown are they going to maximize the amount and have one dedicated to downtown. If they can do it legally, civilly by keeping that license available for wherever in the town he would like that option the best. Ms. Coppola stated that she likes the swing license. Mr. Feldman stated that he thinks that creates value for the town. He thinks the next question is what value you want to put on that license to ensure that it comes back to the Board once a node specific license is available (monetary value). Mr. DeVellis stated that he doesn't think they can do that. Mr. Keegan stated that you can do that as civil but not as a licensing condition. Mr. Mitchell stated in other words if you do not turn this license over then you owe the town "x". Mr. Mitchell asked what is the most they can put on it. Mr. Keegan stated what is reasonable given the circumstances. He thinks just off the top of his head \$250,000. That is a big number but that is what an all alcohol license is worth to most businesses. Ms. Coppola asked if civilly you have to give an amount. Mr. Keegan stated you have to put a condition on it and the question is if you make the penalty strong enough it will be an enticement for the person to turn it back especially if they can get the other license for \$5,000. Mr. Mitchell asked what would happen if something goes south with the other licenses and they never get those other licenses. Mr. Keegan stated that you would revisit the issue at that point. Mr. Mitchell stated that he thinks they should put the highest possible value on it and he would say even more than \$250,000 just to make sure that they do get it back when those other ones become available. Mr. Keegan stated that you want to be careful not to overprice it because if you end up going to court about a situation like that you don't want to take the position that you overpriced it to the point where it wouldn't be consistent with what the true value is. He has

heard the number \$250,000 several times. Mr. Feldman stated that he thinks they want to be reasonable and be fair. He doesn't think this is any intention to gouge someone but the inherent value to a town wide all alcohol license has more value than a node specific license so he thinks they have to try and get that license back and use that in a manner that benefits the town and if they don't get that license back there has to be a monetary payment in lieu of getting that license back because the way the legislature is now you will not get a town wide license going forward. Mr. Mitchell asked if our attorney has seen this in which Mr. Keegan stated that he is the one that identified the fact that you can't make that a condition of your license but you can civilly. Mr. DeVellis asked if he has seen this done before in which Mr. Keegan stated no, that it was the first time that it has been done that he is aware of. Mr. Feldman stated with the civil penalty it becomes a contract and that is enforceable in civil court not through the ABCC. Mr. DeVellis stated that he will probably vote against it because it seems like they are putting a quarter of a million dollar price on something because they can and it tips the free market. There is a license that is available and they don't have an applicant coming in and there are so many licenses floating around right now it has never been done before and it just seems like they are grabbing onto something because they can and he doesn't know what that does to tip the value of all of the other ones. Granted they can have an applicant come into them next week and ask them for it without a condition and they would have to say no. Mr. Keegan stated that something to consider is the fact that because this is an all alcohol license town wide, that sets it apart from the way the licenses are being granted now that are specific to a node and because of that it has actually added value and is movable from place to place. If someone located their business in one location and decided they wanted to move their business to another location in town they could take that license with them without any impact. Mr. DeVellis stated that they would ask for that to be given up or the payment but it would be replaced with another one that comes along. Mr. Keegan stated that is correct and it is a unique circumstance. Mr. Feldman stated that because of the process it takes 9-14 months/12-18 months to get node specific licenses and it is a good use of a town wide license so someone is not waiting. As of right now this is the only license they have available. They have two coming for Forbes Crossing and then they have the other licenses that are probably a year away for the other nodes that were approved at town meeting so this gives the ability to get someone within a relatively short timeframe into a business or committed to putting a restaurant in town. They will still pay the \$5,000 fee but they want the ability to get that license back because of the value. Dr. Elfman stated that just for point of clarification the \$250,000 is only if they refuse to give the license back. Mr. Keegan stated yes. Mr. Mitchell asked if they had an existing business that wanted to upgrade in which Mr. Keegan stated yes and they have a potential new business that wants to come in as well.

Motion by Mark Elfman to adopt Option 3 which would name the all alcohol license presently available as a swing license that could be granted with a civil penalty clause that would be invoked if not returned once a node specific license was made available of comparable use. Seconded by Christopher Mitchell.

Mr. DeVellis stated that they had a liquor group that came to the Board to petition the right number of liquor licenses and nodes and wanted to know if they weighed in on this. Mr. Feldman stated that they actually discussed this possibility at the Economic Development Committee meeting and he thinks they are all in agreement. Ms. Brue stated they discussed it at their meeting and they know the entity that has already made the request in writing but she

understands there has not been any formal application brought forward yet. The committee has been well aware of that situation and they have also been aware of the other business that is now in the process of gearing up to open so she thinks the motion makes a lot of sense personally. Mr. DeVellis stated that he is at a disadvantage because he doesn't know what the two businesses are and if it puts one business at an advantage or a disadvantage. If the businesses had come and put it in writing it is not in front of this table and he doesn't know what is going on and he is not comfortable with it. Mr. Feldman stated that he isn't either but all he knows is they have a town wide license that is available; they have one or maybe two businesses that may be interested in applying for it so for the one license that is available now they as the licensing authority may have to make a decision of what is in the best interest of the town from a revenue standpoint to maximize the meals tax revenue number one and number two they know that in a year they have additional licenses coming. Mr. Keegan stated that one of the businesses was identified as one who wanted to upgrade their license so they are in cue waiting for that process to complete. Mr. DeVellis stated wouldn't it be advantageous to listen to the applicant to say yes, no or yes with this condition rather than putting a blanket condition before they know who the applicants are. Dr. Elfman stated that this is the blanket condition for the license, it doesn't matter who is applying for it. Mr. DeVellis stated that when they have the applicant in front of them and they listen to the pro's and con's then they could say yes you can have it with no civil string attached to it or yes, here is a civil condition or say no. Why do they need to tie it all up before they know anyone is coming in because they can have the same discussion with the applicant on the other side of the table? Mr. Keegan stated that he thinks they want to be careful that they are not disadvantaging one applicant versus another he thinks if you say that this is a condition that is on the license before anyone applies they are both on the same playing field. Ms. Bernard stated that it is more nondiscriminatory to do it that way. Mr. Mitchell stated that the fact is if both of these are in the downtown node and they already have node specific ones coming they don't want to lock an all town wide one in without any conditions; they want to get that one back and give them the two or three that they applied for, for that node. Mr. DeVellis stated that he understood but hearing from Ms. Brue that there is something in writing already which if there is something in writing and they are trying to do something. Mr. Keegan stated that there is no application. Ms. Brue stated that the business that had expressed interest about a year ago, there was a letter to the Board. Mr. Keegan stated that they wanted an all alcohol license and they currently have a beer and wine license and they want to be upgraded to an all alcohol license. Ms. Brue stated that they know that and that is why they came up with the number that they did in terms of requests for the node because they knew of the upcoming business and they knew of the interest of the existing business for an all alcohol license. Mr. Feldman stated that was all done prior to this town wide license becoming available so obviously the town wide license has greater value. Mr. Keegan stated that the town wide license they thought was a club license and it caught everyone by surprise when it was identified as being an all alcohol license. It wasn't something that they were even considering at the time that the process was going on for the new licenses. Mr. DeVellis asked what was the harm of leaving it the way it is and when an applicant comes in they have this same discussion and say yes, no or yes with this condition. Dr. Elfman stated because this is protecting the value of the license not only for these two people but for 5-10 years down the road. Mr. DeVellis stated that his point is they can have that same protection when the time comes. Mr. Feldman stated that he thinks they want to put the condition with the license and not condition the license based on the applicant. Mr. Keegan stated that is the best way to put it. Mr. DeVellis stated that through all the licenses

and applications that have come up through all the years, he doesn't think it is needed and he thinks they can rely on themselves to have that discussion when there is an applicant in front of them. Mr. Keegan stated that at the end the Board is going to decide which person gets the license based on the level of the application so ultimately the Board still retains that authority. Mr. Feldman stated that the other thing that one of the applicants might say is that he doesn't like the condition and he is going to wait for a node specific license that has no conditions when it becomes available.

**Vote 4-1-0 with Mr. DeVellis voting in the negative**

**9:09pm – Discussion/Vote Gift/Grant Policy – William G. Keegan, Jr.**

Mr. Keegan stated that based on the information that the Board had given him he actually E-Mailed them the new version. He heard all the comments at the last discussion and he has included those comments in the revised policy and so what they have before them is the new revised policy and if there are any further changes please let him know.

Mr. Feldman stated that the big change was 2.1 “It is recommended that the Officer or Municipal Department Representative review the grant or a gift with the Town Manager’s office prior to accepting such gift or applying for such grant to determine if there is a real or perceived conflict of interest in receiving such gift or grant.” “The recipient is then responsible for recording in writing the date, time, place, manner and circumstances surrounding the receipt of the gift or the grant.” Mr. Keegan stated that is not a change, it was actually in there. Mr. Feldman stated he knows that was in there. Where would filing the proper disclosure go? Mr. Keegan stated that would go to the Town Clerk’s office. Mr. Feldman stated he meant in this policy. Mr. Keegan stated the proper disclosure is the review of the procedure with the Town Manager but having said that, that is the current practice now is that if there is a concern, they file a disclosure with the Town Clerk’s office because that is the statute.

Ms. Coppola stated where it says “the recipient is then responsible for recording in writing” that is the form that the Board approves; that is the genesis of that form. Mr. Keegan stated that is the form that comes before the Board for final approval.

Mr. Feldman stated 5.1 “It is recommended that gifts made to town boards or committees and/or applications for grants or gifts made by boards or committees be reviewed by the Town Manager’s Office; such review will include an evaluation to determine if there is a real or perceived conflict of interest in accepting such gift or grant from any granting agency. The town is always grateful for receiving such gifts or grants and wants to assure the granting agency and the town that such acceptance will not adversely affect the public perception of the town receiving such proceeds. Massachusetts law provides various steps and procedures for proactively addressing such actions for cities and towns if deemed necessary by the Town Manager’s office, the gift or application for a grant may be reviewed by town counsel to determine appropriate actions. All gifts and grants deemed appropriate for acceptance must then comply with the provisions for formally accepting such gifts or grants as provided in the above sections of this policy.”

Motion by Mark Elfman to accept the policy changes. Seconded by Christopher Mitchell.

Ms. Coppola stated that in previous meetings she had voiced her concerns but she realized that the town has to have a policy and the policy has been updated.

Mr. DeVellis stated that it is the same policy as before other than Mr. Keegan has added the word “grants” and “it is recommended to (not required) to bring it forward to the Town Manager and he has the ability to ask town counsel to review it” in which Mr. Keegan stated yes.

Livia Binks stated that she is on the Partners in Patriotism Fund and she wanted to understand that it is not required but it is recommended. If there is something that didn't go to be reviewed and they receive it because they do receive a lot of requests on behalf of the town's standpoint; how does that play into the policy. Mr. Keegan stated that the issue there is the way that the discussion went the last meeting was that it is incumbent upon people who are current town employees and who are on boards and committees that they understand what the Conflict of Interest law means and therefore the logic was that they are not going to direct people to do it but they should know anyway therefore if they don't do it, they do so at their own peril so to speak because ultimately if something goes awry and they don't do it properly they are the ones that could get flagged for it. Ms. Binks stated that it is clearly written what the conflict of interest is in which Mr. Keegan stated the statute is. Ms. Binks stated so it is encouraging town employees or those associated with the town to make sure first and foremost that they are very familiar with it and then assuming that they are they do or do not have to follow this next step of going through this new amended process. Mr. Keegan stated that if they file the proper disclosures and they do everything that is appropriate, there really is no further action that is required at that point. Ms. Binks stated they should know what their boundaries are and where you need to be and make sure that you are filing all of the appropriate paperwork on all ends and then if that person deems taking the extra step to go before this new amended policy and review they can do that or if they have done the other two things they can still proceed. Mr. Keegan stated that the reason that this has been such a difficult issue is the issue of perception. More often than not he would say that 99% of the issues have been cut and dry issues but there is always the perception issue and that is the one that other avenues have been suggested possibly using “Friends Of” groups as opposed to individual town employees or individual board members applying for grants. Ms. Binks stated that they don't accept those because it is through “somebody, somebody, and somebody” and then they go through the vetting and say “wait a minute” so it is all checks and balances. Mr. Keegan stated that the reason why it is being discussed is they appreciate the gifts; that is not the issue, the issue is that they want to make sure that there is no perception of anything being handled that some would perceive that they were doing something inappropriately and he thinks they are just being particularly careful about that. Ms. Binks stated she will speak on behalf of the committee; they are all independent, they don't all agree and they would love if there were ever any questions absolutely come in and talk about how they work. It is always a lively debate every time they get together and there have been some references that they just kind of go with the flow and they certainly don't and they want to make sure that everything is being ticked and tied because they are all really passionate about helping the town and that is why she joined; she doesn't care who is the company behind the fund; it could be Lakeview Pavilion, it could be Schneider; if anyone wanted to set that up and have their board vote that is why they all joined. Sam Berns was what spurred her on to join and it has

been the best experience and she would echo that for her committee members as well. They are all for making sure that everyone is really clear because they have done a lot of good for the town and it is pretty awesome when you walk around and say “hey we helped that” and others get to appreciate it.

Mr. Keegan stated that in a situation like this if you think about the individual applications that have been for each and every one of these grants, the grants themselves have all been for great causes; he doesn't think anyone quarrels with the cause they are just being over cautious and he thinks that is for good reason to protect everyone's integrity to make sure there are no issues there. Ms. Binks stated they are hoping as they go forward that if the Board ever has questions they will be happy to come in and they will also be happy to come in for a review too for the kinds of applications because they track it very carefully, the vetting that they go through and it is really interesting the range and just everything from personal, to community, to organizations and have the Board get to know them a little bit more because they are all residents and sort of the faces behind where the applications go. Mr. Keegan stated the Partners in Patriotism group, every one of the applications and grants that have been granted they truly appreciate it and they don't want anyone to think any less. Mr. Mitchell thanked them all for stepping up and doing it, he was on the Inaugural Committee and it is a good committee.

Mr. Jewett stated he did this for his living in terms of grants, etc., and he just wanted to thank the Selectmen because clarity is good. They all have their own personal biases but as a group, it is a large group so it is not like a movie with a runaway journey and someone's influence and their committee just doesn't work that way. He wanted to thank them for providing clarity, being specific. They live in the town and just want to stay between the lines and perception is a real thing to a lot of people so he just wanted to briefly say thanks. What is good about it is, when you get something from someone they can bounce it back and say have you vetted it at all and have you done the right thing; he thinks it is a healthy and good thing. Ms. Binks stated assuming this passes and goes forward, as they get things in they will continue to do their vetting process that they have and their due diligence but it sounds like the change is really from a town policies and procedures standpoint and then maybe they could continue the dialog here as the grants go forward. If the Board wants them to come back on a quarterly basis; half-year check in or year round rack up they could do that and it would be great to see how things are going and how is that perception too and let's do a vet check because they are all really passionate people as Mr. Mitchell has witnessed at some of their meetings where they have had some pretty healthy debates and disagree most likely almost all the time and it is good, that is why they are a diverse group. Mr. Mitchell stated that he would say also that if they ever see something come from any town board, department or committee and they think it shouldn't be then reach out. Mr. Jewett stated they will bring it up at the next meeting and it is their standard operating procedure just to fire it back and have them vet it. Ms. Binks stated that if there is something they are not sure of, it doesn't quite feel right and there are a lot more questions than answers then they will be happy to raise their hands at those points in time when they are a little bit unsure if maybe it has gone through all the checks and balances and it just feels a little bit off.

Ms. Coppola stated that her concerns were individual employees or department representatives doing this and where it says “it is recommended the officer or municipal department review the grant or gift at the Town Manager's Office, she would rather see the language “required”. Mr.

Mitchell stated that they had discussed this at the last meeting. The reason why is it doesn't say "required" and that is why she is not comfortable with it. Mr. Keegan stated anyone who doesn't do that and does so without reviewing it does so at their own peril because they are supposed to know the law anyway. The check and balance on that is if someone sees something and they file a claim against them then it is their issue. Ms. Coppola stated why can't it be required that it be run by Mr. Keegan first. Mr. Keegan stated that more often than not they are going to do it anyway but the point is if they don't do it they are the ones that are going to suffer in that issue. Ms. Coppola stated that she would feel more comfortable if it was required. Mr. Keegan stated that he understands but the Board had discussed that. Mr. Feldman stated that he thinks that the problem is that they are not going to be there, the Town Manager is not going to be there and if you have a policy in place they don't know what the next town manager is going to be like. Ms. Coppola stated that you also don't know what the next department heads or individual employees are going to be like. Mr. Keegan stated that they are going to assure them that they are going to be trained because that is part of their training regime now. If they don't do it, Ms. Coppola stated that she would just feel better if it said "required to be reviewed by the Town Manager" and that is her objection to this policy. Mr. Keegan stated that there is a check and balance to it and he understands her point. Mr. DeVellis stated at the end of the day even if it goes through or doesn't go through the town manager, once it gets to their table they are the ultimate yes or no. Ms. Coppola stated that she doesn't agree with the policy unless it says "it is required".

Motion by Mark Elfman to approve the policy as written. Seconded by Christopher Mitchell.

**Vote 4-1-0 with Virginia Coppola voting in the negative.**

### **9:25pm – Town Manager Update**

Mr. Keegan stated that there are a number things going on in town. The town hall construction is proceeding quite well. If you haven't been by, the steel is starting to go up and it is very exciting to see that. They had another meeting this morning and things are progressing. The soil contamination issue has been removed from the site and that needed to be done before the steel could actually go on site. You will see a lot of activity over the next several weeks. The final order of steel was actually delivered to the site today so parts of the decking will start coming on line as well. Ms. Coppola asked what the cement block was in which Mr. Keegan stated that is the new vault. There is actually an elevator shaft that is in the ground already. It is interesting to note and he hasn't seen this before but you can see there is a bit of a grade change around the edge so you can see that this will have to be scaled back; which they knew that was going to be the case but things are progressing very well at this point. The steel was delivered on time based on the soil conditions and they had to shut down for a while they are hopefully getting back on track so he appreciates the work of the committee, architect and OPM who are doing a great job staying on top of that project.

Another project related issue is Forbes Crossing is now under construction, the old Foxboro Furniture building is gone so the last sale is officially over. The Hampton Inn construction will be scheduled to begin July 11, 2016 for the construction of that project so that will be moving right along as well.

Year-end closing is actually underway with due respect to all of the year end activities; closing out budgets, closing out all of the activities for the year so they will be seeing more information about that as well.

They have had a lot of discussion this past week on Regional Dispatch. The group met again over in Mansfield this time; they will be meeting over in Norton in August. Mr. Mitchell has been the liaison for that. They had a very good discussion about policies and procedures and they actually had the RFP for the building study which was actually finalized and that has been sent out and funding is available for that actual study to be done. Mr. Keegan will be the chairman for that committee. It is a very good group and very good discussions and he appreciates all the input they are getting. They also involved the Dispatchers in that; they purposely invited them and they have been participating so they have also involved the public and anyone that wanted to attend that. Mr. Mitchell asked if any of their concerns were being addressed. Mr. Keegan stated that there were two areas of concern and primarily one is the employment side which Ms. Bernard has been working out with the Human Resources Director from Mansfield on that piece so they will be looking at the employment piece as well as the actions that are going to be looked at in terms of overall staffing and looking at an organizational chart which has already been developed and then how it impacts each individual community so there is a lot more to come on that front. With respect to the type of shift that will be worked is different than what is worked in the current communities but it actually does make sense in how that is going to work. They will continue that discussion in August.

The bond proceedings for the Town Hall project and the water project were actually received in town today so it is \$24.2M that they were borrowing for those two projects has actually arrived so all of the proceeds are actually in town today.

They did submit a Mass Works application; they are in the process of working with the state on the roundabout at Forbes Crossing to see if they can get some money to do that project. He did speak with Secretary Ash about that last week and he did recommend that they get an application in right away on that so they will have to wait and see how that plays out.

The liquor license legislation for the ones that were approved at the Annual Town Meeting they did get a new draft that came back today and he is looking at the language right now and he will speak with Representative Barrows on Tuesday about that. There seems to be a little bit of inconsistency in terms of the language but the changes they made were not substantive changes, they were more just language changes that the legislature would like to see in terms of form over substance in terms of the changes. Hopefully they will have those before them at the next meeting because the Board has to approve final changes before it goes in front of the legislature.

He plans to be off on Thursday and Friday this week but plans to be back in the office on Tuesday of next week.

He wishes everyone a happy and safe July 4<sup>th</sup> holiday and happy summer.

**9:31pm – Assistant Town Manager Update**

Ms. Bernard stated that they are in the middle of year end and contract implementation of all the collective bargaining agreements and there are lot of effective dates of July 1<sup>st</sup> with regard to performance evaluations and different changes in contract terms that impact pay and changing over schedules and all of that.

The recruitment side of things is really busy. They have narrowed the field for the Police Chief from 75 applicants and they conducted 14 phone interviews the other night and they have now narrowed the group down to 7. There will be face to face panel interviews coming up and from there the next step would be an assessment center. They have reviewed RFP's with a selected consultant and then eventually the Board will meet the group in public session and the public will meet the finalists hopefully at the August 23, 2016 meeting. There will be an opportunity for each of the Board members to meet the final candidates; they have that scheduled as well; a one on one like a coffee meet and greet. Mr. Mitchell asked how many people are on the first initial face-to-face interview. Ms. Bernard stated they are running two concurrent panels so they have a panel made up of town representatives; fire department, human services, town manager, Board of Selectmen and a subject matter expert (Chief from another community) and then they are going to have a community partner's panel which are local business representatives. They have representatives from local businesses and they are also going to get a member from the clergy and they are doing two concurrent panels; Panel B would be the community group and Panel A would be the other group and they have a schedule where they are going to meet with one group and then meet the other group and the panels will get a consensus recommendation. It is all going to be done at the same time at an undisclosed location because the privacy of the candidates is really important. A lot of them haven't notified their communities that they have applied. It takes a lot of planning and a lot of structure but they are doing a very careful process because it is a really important position.

They have an Administrative Assistant position that they are filling and it is an Assessor replacement position and Veterans that one they had 186 applications for and they have that narrowed down to five interviews this week and a series of other jobs.

There is a big kick off this week. She participated in Recreation training last week, she did an anti-harassment role play fun thing with them letting them know that it is a very serious thing and what to do if anything occurs and how to recognize harassment and discrimination and it was well received.

They kicked off the DPW summer hiring; they have one water, one mechanic and one highway person coming in for the summer.

She participated in the Deputy Fire Chief promotional process last week. It has been a very interesting group and tomorrow she is participating in a focus group with the YMCA with other employers from Foxborough and they are trying to come up with a workplace wellness type of thing. Mr. Mitchell asked if we had a new Deputy Fire Chief. Ms. Bernard stated that we have two new Deputy Fire Chiefs yet to be announced. Ms. Bernard stated that it was posted in the Fire Department internally but they haven't done the official offer letters yet; those are going to be happening tomorrow.

### **9:30pm – Action Items (Cont'd)**

Motion by Mark Elfman to accept a grant in the amount of \$15,000 to the Friends of the Sharon Wason Pavilion from Partners in Patriotism Fund to be used to complete the Sharon Wason Pavilion. Seconded by Christopher Mitchell on Payson Road.

Mr. DeVellis stated that he hasn't spoken to anyone from PIP about this yet but when you say "Friends Of Group" he wants to be clear that this is not a "Friends Of Group"; there is no "Friends Of" and this has been kicked around for months now. He thinks what happened on this was there was a member of the Advisory Committee that made an application, Tracey, and he thinks it got denied initially and then they sat around the table; Mr. DeVellis, Mr. Keegan, someone from the Recreation Committee, Tracey from the Advisory Committee and Mr. Casbarra and it may have even been Bill Grieder. Bill Grieder left, Tracey resigned right after the first meeting and then the application went back in but the application is from the town and the Building Inspector from the town for this; it is not a Friends Group. Mr. Keegan stated that he was under the impression that it got changed. Mr. DeVellis stated that it had never gotten changed and if you look at the application it states "Sharon Wason Pavilion Town of Foxborough" so it is a grant that is coming directly to the town not through an assigned friends group. He thinks it is important because they have had so many discussions about side groups. Mr. Keegan stated that Mr. Casbarra has filed the proper documentation with the town. Mr. Mitchell asked if they could make a motion from the actual grant as opposed to the actual donation sheet. Mr. DeVellis stated the application states "The Town of Foxborough" the only thing that doesn't say it is on the agenda, it states "The Friends of Sharon Wason Pavilion" is the action item and the grant is in the amount of to the "Friends of"; the application is correct. Mr. Keegan was under the impression that there actually was a group called the "Friends Of Group". Mr. DeVellis stated that if you look at the Friends of the Flagpole, there was a formal discussion and it was presented but other than the emotion of the moment they only had one meeting for about 20 minutes on it. Mr. Keegan stated when he saw the "Friends Of Group" he didn't think it would really be that much of a concern but he instructed the Building Commissioner to file documentation if his name was on that application. Mr. Feldman stated that this was just basically a case of last man standing in which Mr. DeVellis stated that is exactly what it was. Mr. Keegan stated that the grant is clearly going for the pavilion, it is not going to benefit any individual and there is no question about that. Mr. DeVellis stated that he thinks the Conflict of Interest law requires you fill out the paperwork but not until it is formally accepted so even if he didn't do the paperwork yet once they formally do it he can submit the paperwork.

Mark Elfman amended the motion to instead of it saying "Friends of Sharon Wason" it should be "Sharon Wason Pavilion Town of Foxborough". Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to approve the renewal of Lot 24 Washington Street Commercial Parking Lot Permit for FY17 expiring on June 30, 2017 contingent upon him complying with the Building Commissioners conditions. Seconded by Christopher Mitchell. **Vote 5-0-0**

Mr. DeVellis stated that it is in conflict with what the first paragraph says "you shall apply for a building permit to demolish and abandon an unsafe building prior to approval." Did they make the application? Mr. Keegan stated that he believes he made the application and he just hasn't

done the work yet. Ms. Coppola stated that the concern is the approval has to be into the state by a certain date. Mr. DeVellis stated that he didn't know if he had done the application. Mr. Keegan stated that application had been done to his knowledge and he just hasn't complied with it yet. Ms. Coppola stated if he doesn't then they pull his permit. Ms. Armando stated that they don't give him his permit until Mr. Casbarra says everything is done.

**Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation in the amount of \$15,781.00 from Foxboro Cable Access to purchase Fiber Optic Network Equipment used by Foxboro Cable Access to transmit live video and data signals over the municipal fiber network. Seconded by Christopher Mitchell.

Mr. DeVellis stated that Foxboro Cable Access is a nonprofit group that are required to broadcast certain events and they came up with the money and are donating it for the hardwiring. Ms. Coppola stated that Foxboro Cable Access gets money from Comcast so this money is from Comcast. Mr. DeVellis stated and that is how it comes back to the town in which Ms. Coppola stated yes and that is how you have gotten things for the schools and any of the cable stuff was provided by funds from Foxboro Cable Access and that was the deal that was worked out. Mr. Mitchell stated they are reinvesting in their infrastructure.

**Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation in the amount of \$500 from the Foxboro Founder's Day Committee for cow rental. Seconded by Christopher Mitchell. **Vote 5-0-0**

Mr. Dunau asked if the license the Board discussed was from the Legion in which Mr. Keegan stated yes. Mr. Dunau asked if the Legion was aware that they had given up a large amount of money. Ms. Coppola stated that they never renewed it and once you don't renew it, it comes back to the town. Mr. Dunau asked when they turned over the license in which Mr. Keegan stated at the end of last year. Ms. Coppola stated that all the licenses have to be renewed by the end of the year. Mr. Dunau stated that they gave up the license. Mr. Mitchell stated that they obviously didn't know it was as valuable as it was. Mr. Dunau stated on the flip side is that this Board only became aware of that recently. Mr. Keegan stated it was probably 2-3 months ago. Mr. Dunau stated that they were under the impression that it was a club license in which Mr. Keegan stated that they all were and then Ms. Armando got verification from the ABCC that you could use it for anything.

Water & Sewer Commission hasn't voted to do a sewer study in which Mr. Keegan stated no they haven't. Mr. Dunau stated they have it in their budget because they got it at town meeting. Mr. Keegan stated that the budget was requested through the DPW Director.

Mr. Dunau stated in terms of the Ethics Policy he personally did not bring his copy but he had it in his packet and the things that are bolded are the new items in which Ms. Bernard stated yes.

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