

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
AUGUST 9, 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. Ed Lawton, North Street
Ms. Pam Atanasoff, Foxborough Cultural Council
Ms. Julie Philibert, Foxborough Cultural Council
Ms. Lorraine Brue, Economic Development Committee
Ms. Paige Duncan, Town Planner
Ms. Heather Harding

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

David Feldman read the agenda.

7:00pm – Citizen's Input

Ed Lawton, North Street – Mr. Lawton stated in regard to complaints at the Stadium he has given up complaining about the stadium; he didn't even know there was a rule about 11:15pm. He assumes the town has people responsible for this municipality that were on hand that did know the rules. The structure of day to day is the Town Administrator; that which is a little bit more goes to the Board of Selectmen and that which is a lot more complex and has larger ramifications goes to town meeting. It was a lame excuse that they didn't get complaints because a lot of his neighbors just don't complain. It is quite prideful when he goes off on trips people ask where he is from and he states from Foxborough and it is all well and good but he doesn't believe this municipality would allow a bumper sticker on a municipal vehicle that had one or the other for president on it. He doesn't believe it is proper that Patriots logos should be on municipal buildings and municipal vehicles because he believes it is extra cost services for the Patriots being there; yes, the town gets extra money and he doesn't really know what the balance sheet looks like but what they are doing is they are growing another generation of people that somewhere down the road will need to make a decision based on the facts of what is best for this community and not what is within their heart and pride of the Patriots being in the town; they should vote on the facts of what is best for this town so he doesn't believe Patriots logos should be on any municipal vehicles or structures.

Recently they had a remote parking spot made down between Route 140 and Route 1 and the major appropriate argument for the stadium was that they didn't have enough parking spots on

site because the Planning Board allowed so many structures to go up. He would ask that the Town Administrator and this Board have a moratorium on any permits at the stadium that could impact the number of parking spots available for big events like concerts or football games so that in the future when they put the stadium through and the economic development area was approved there was a major portion of that in a parking plan; great estimates on how many fans would be there, how many people would be there per car and how many spots that were needed. He thinks that needs to be redone with all of the development that has been going on so that in the future the Planning Board won't be held over the barrel saying they have to give them this because they don't have enough parking spots so he would like to ask that somehow there be a moratorium on any permits that involve reduction of parking places available for big events.

7:06pm – Foxborough Cultural Council – Discussion/Vote on New Member - Pam Atanasoff, Julie Philibert

No one was present and they continued until later in the meeting.

7:07pm – Economic Development Committee – Discussion/Vote on Increasing EDC Members from 9 to 10 – Lorraine Brue, Paige Duncan

Ms. Brue stated they were there representing the Economic Development Committee and just for the public's information, the committee has been in effect since 2000 and the charter calls for 9 members as they continue to focus on projects related to downtown and Route 1 growth nodes after a lot of discussion they realized that they were missing representation from a very important contributor to their downtown economic engine and that is Schneider Electric so with that in mind Ms. Duncan has been doing a lot of work with them; work done on developing a survey for their employees and as part of that had a discussion with certain members of the company and as a result they have identified an individual. There are really two things, they would like to increase the charter number of members from 9 to 10 so that they can add a representative from Schneider Electric and then also they have to have the name of an individual who could be the representative for them on their committee. The representative's name is John Eva who and he is a longtime Foxborough resident and he currently is the Senior Vice President of Global Pursuits at Schneider Electric and he has worked there for more than 30 years and has had a number of management positions in the company so they are looking forward to having him join their group and hope the Board will approve those two items.

Dr. Elfman stated that most boards usually have an odd number in case votes require the Chairman to break the draw and do they foresee with their committee there being a problem with ten members instead of an odd number of members. Ms. Brue stated she thinks just the way the meetings have been going when there is healthy discussion or different opinions they are able to resolve issues without a problem. It is sometimes difficult for all members to attend all meetings so she is sure there have been many occasions where they have had even numbers and they just didn't notice it.

Mr. Mitchell asked if anything they decide has to go before the Planning Board or whatever. Mr. Keegan stated they are really an advisory board. Ms. Duncan stated that they are really under the Board of Selectmen so any decision goes to them and they would be the tie breaker.

Mr. Mitchell stated that he thinks this makes perfect sense having someone from Schneider Electric on this; they are part of the downtown and he knows Mr. Eva from his son being in scouts with him and Mr. Eva is a very knowledgeable person so it is only going to benefit their group and all of Foxborough.

Mr. DeVellis stated he shares the same sentiments about Mr. Eva and the position that Schneider Electric is in with the town so he fully supports this.

Ms. Coppola asked if they were taking two votes; one to increase the committee and one to put Mr. Eva on or just one vote now. Mr. Keegan stated that it would be two separate votes. Ms. Coppola stated that Mr. Eva was not on the agenda. Ms. Brue stated that ideally if they would consider doing it tonight as their next meeting is next week and they would be able to invite him to that. Mr. Mitchell stated the paperwork they got stated a spot for Schneider Electric. Ms. Duncan stated that she hasn't had the pleasure of meeting Mr. Eva but she did receive an E-Mail from him and he had done a very thorough review of their Master Plan and had really insightful questions. At that time she just knew that he was high up at Schneider Electric and he had a lot of great insightful questions so to see that he is interested in being on this committee seems like a win for the community.

Mr. Keegan stated that they actually had the pleasure of meeting Mr. Eva during the Police Chief search process and he is a very, very helpful individual for the process that they went through but also as Ms. Duncan had pointed out had some very insightful ideas and thoughts about how Foxborough should move forward particularly with the downtown area and economic development issues as a whole. Schneider of course makes great sense to them with respect to the downtown redevelopment efforts and they will be directly served by improvements that occur to the downtown area and he thinks having their thoughts and their employees ideas of what should go in the downtown area is going to be really helpful to the success of the downtown redevelopment.

Mr. Feldman stated that he had quite a few conversations with Mr. Eva and they are very interested in how the downtown is going to be shaped going forward. They bring a lot of international visitors into our community, it is one of their regional training centers so he thinks that they are probably the biggest client for the downtown restaurants particularly at lunchtime right now and they are always looking for a place to go when they bring their international visitors in and they like to show off the community and he thinks it would be a big help. Mr. Eva travels all over the world and bringing that international flavor and bringing some of the things that happen across the world could be a benefit to the town and it would definitely be a good perspective.

Motion by Mark Elfman to expand the Economic Development Committee from 9 members to 10. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to appoint John Eva to that 10th spot on the Economic Development Committee. Seconded by Christopher Mitchell.

Mr. Mitchell asked when would his term expire would it be 2018 or 2019.

Motion by Mark Elfman to approve John Eva to that the 10th spot on the Economic Development Committee with his term expiring June 30, 2019. **Vote 5-0-0**

7:24pm – Foxborough Cultural Council – Discussion/Vote on New Member - Pam Atanasoff, Julie Philibert

Mr. Keegan stated that it didn't look like they were going to be here this evening so the Board has the choice of deferring this matter or moving forward with the recommendation. Mr. Mitchell asked if they needed to be present in which Mr. Keegan stated that they do not necessarily have to be and it is entirely up to the Board on how to proceed. Mr. Feldman stated that he would like to meet Ms. Philibert. Mr. Mitchell asked if there was a critical time for one to step down and one to come on in which Mr. Keegan stated not that he was aware of and he had not been told that there was a critical timing to this.

7:25pm – Discussion/Vote on Non-Union Pay Plan – Mary Beth Bernard

Ms. Bernard stated that what they were discussing tonight is a non-union pay plan presented to the Board with a sample of the documents that they circulated to employees. They invited their very small group of non-union bylaw employees which they now have 14 to a meeting at the Library where they discussed some current impacts to this group upon the change of May 9, 2016 to the personnel bylaw; the personnel bylaw was changed at town meeting and they talked about how new the personnel bylaws were going to be administrated and they were also discussing the impact of the Steelworkers being removed from this bylaw group so they wanted to get this group together and get their feedback on a couple of things. They reviewed any new policies that the Board had approved since they are not covered by a collective bargaining agreement, it is important to have policies in place. They discussed the new vacation policy which was adopted by the Board and approved by the Town Manager and the Personnel Board and they described that this would be starting on July 1, 2016. Then what they presented to the group was based on the advice of what the percentage increase would be for employees, they gave the group three options for a pay plan. Using the number of 4% with the idea that they have 2% available for a COLA increase, they presented the pay plan that they knew couldn't exceed 4% if people had a performance evaluation and had to move a step they had to take that into consideration that it couldn't exceed 4%.

The first option was to have a 1 ½% COLA and steps that were 2 ½%.

The second plan that they offered them was a 2% step with a 2% COLA.

The third plan was a range plan that said up to until a certain point of your employment they may decide that the steps may be bigger or smaller.

Those were presented to the employees on June 22, 2016 and they gave them a week to discuss it, to ask questions and to look it over and she asked them to vote and it was decided by Mr. Keegan that this is how they would do it. She received a couple of questions and a couple of telephone calls but in the end 12 people voted and it was voted for a number of 7 people who chose Option B which was the 2% COLA and 2% step plan and a majority of 7 to 5 people voted for that plan. That plan was selected and presented to the Board at their last meeting along with some of the backup information.

It is important to note that they did negotiate a 2% COLA with all the union groups this year and it is not a guarantee that an employee will receive a 2% step; it is contingent upon a performance review so those are happening right now. If the Board votes to approve this pay plan they will continue with that process of doing the performance evaluations and those people that are on this plan will receive their performance increase of 2%. There will not be anyone exceeding 4%; everyone will achieve at least a 2% COLA. Mr. Keegan stated that it is important to point out also that there is a top to this. Once you hit the top of your step plan you don't exceed that other than just a COLA adjustment.

Ms. Bernard stated the plan has been changed from a 19 step plan to a 10 step plan which is a little more realistic.

Mr. Mitchell asked if this plan that they negotiated with them is like a contract with them; could the plan change next year. Mr. Keegan stated that it could change but conceivably not unless they went through a process to review it with them. The answer is no, it is not a contract. They are under a policy which means that if it were to change he would review it with them, get their feedback and then present it to the Board of Selectmen just like he did this time. There is somewhat of a checkered history in terms of how this has happened in the past which has caused some issues in terms of how people have reacted to it and rightfully so. Mr. Mitchell stated the only change he is thinking is the COLA; the steps and all of that is fine. Mr. Keegan stated that the COLA changes from year to year. Mr. Mitchell stated the employees are not locked in that they are getting a 2% COLA for three years. Mr. Keegan stated that the COLA is subject to change every single year. Ms. Bernard stated that there have been times where there hasn't been a COLA.

Ms. Bernard stated that the other important thing to note was that they engaged a consultant to do a salary study of their Steelworkers who were born of this very same pay plan so they extracted the management positions and he did a comparable study of other towns and they are shooting to have Foxborough be in the middle of the pack. They are not looking for exceeding every other community or the 90th percentile, it is always comfortable to be in the 50th percentile so they can comfortably say that they are not exceeding all of the other communities nor are they lagging way behind which could be a problem with losing employees based on other competing communities so some research did go into it and she feels anyone that had a question or concern they were able to address it with them.

Mr. Keegan stated going back to Mr. Mitchell's point that is 4% this year but it could be something different next year. Mr. Feldman stated that not everyone is going to get 4% this year.

Mr. Keegan stated that is correct and it is based upon how they do with their performance evaluation as well as the fact of where they are on the pay plan.

Mr. DeVellis stated that they discussed this at the last meeting in Executive Session and Ms. Bernard and Mr. Keegan touched on it a little bit and his experience with the past town manager, they looked at the 85th percentile and from the past town manager's perspective the feeling was if they are not paying fair value and that fair value was the 85th percentile, people are not going to stay; they are going to train people and they will go to a different town. Looking back he thinks that was a mistake to go in that direction. He was happy to hear the direction was the 50th percentile because how do you go wrong with that. Mr. Keegan stated if you go below that, you are below market and if you go above that you are at market. Mr. DeVellis stated when he asked for the towns that they used to come up with this, people always say where are the demographics, what towns did they use so when they E-Mailed him the list they gave them 19 towns that they picked and some of them jumped out at him and he was trying to figure out why they picked a certain town like Concord or Needham and asked if they got a consultant to work with them. Ms. Bernard stated yes and this is his salary survey. Mr. DeVellis stated that the people that are in this group looking to dictate their salaries; someone coming in or someone who has been in there for a while; they are the managers; Police Chief, Fire Chief, management, they are the big salary people so what dictates the salary that people earn in different towns. His feeling is it is the average income of the residents, the annual budget and population. Ms. Bernard stated that one other thing is distance from Boston. Mr. DeVellis stated that he looked at the 19 towns that he picked up data from the Census Bureau and the MMA and he looked at the median income, the annual budget of each town and the population from the census so if you look at all of the 19 and add up all of the income average salary for instance Foxborough is listed at \$93,000 for family income and if you add them all up and divide them by 19 the average of those 19 comes out to \$93,900 so they are right at the 50 percentile. What is concerning to him is if you look at the annual budgets of the 19 towns that they are including Foxborough's annual budget at the time that they picked this data around \$66,000,000-\$67,000,000 and you look at towns like Belmont who are at \$104,000,000; Natick is at \$134,000,000; Needham is at \$144,000,000 and if you look at the ratio factor there are a lot of these towns and cities that are double our budget so we fall into the 30 percentile of budgets. If you are looking at the median of 50% we are stretching up to the 50% but they are only budgeted down to that amount. If you look at the population and we are around 16,000 to 17,000, you look at some of these populations that are more than double of our town and then again we fall down to the 30 percentile. Foxborough is setting their goal for people coming in at 50% which is something that is a lot more than Foxborough can support. Right from the beginning our numbers are skewed. All of these steps and percentages and COLA's are based on something that he doesn't think this town is in the right category. He would like to see 19 towns that are picked within 10%-15% of our annual income, our population and our budget; they are comparing Foxborough's annual budget to a city that is twice as much as us and of course they would be paid more for those positions. Mr. Keegan stated that is not always the case. If you take a look at Attleboro, it is a bigger population and a much bigger budget and they pay less in some cases. So it is not always as clear as what it comes down to so the other thing that you have to look at is they are a very unique community with the venue that they have here and that has to be a consideration because of all the different things that go into that consideration, there is a lot of different pieces to that. Mr. DeVellis stated that he understands that to a point but you have Mansfield, Natick and

Dedham and you have a lot of towns and cities that have big economic drivers that aren't as fancy as the stadium that are in those numbers and they are still way off the skew from them. Mr. Keegan stated that you are taking a look at where they would draw their employee pool from; when they start looking around the area, which is where their pooling is. Mr. DeVellis stated that is his point, he would like to see that there and he doesn't think they will grab anyone that is going to commute from North Andover, Burlington, Concord or Belmont. If you look at someone like Sharon, their income is \$115,000 well above Foxborough and they can go through the numbers but he thinks realistically they need a closer pool to what Foxborough is all about; he doesn't think they can compare to Concord and he doesn't understand why Concord is even in there; demographics, geography; someone in Concord is making \$120,000 average which is much more than Foxborough but they are way off the charts on this. Are we going to hire someone that is going to come from Concord; why are we comparing it to that? Ms. Bernard stated that the last employee that they just recently hired is from Lexington so they are pulling people who commute from that area. It is closer for them to live here so the last people they hired one was working in Lexington but living in Millis and the other was working in Framingham and living in Franklin so they would be surprised at how people are traveling to be in municipal government. Mr. DeVellis stated he thinks that is more of an anomaly and he thinks that if they pooled all the people that work here, he thinks it is a little closer and they are not going to be traveling an hour. To travel from Lexington to here is over an hour every day and in this world he doesn't think that is the norm. What he would like to see is and it sounds like the Board is okay with the 50%, he thinks they need the demographics to come up that are closer to what they are about. If they are going to set a plan and these are high paying individuals that work for Foxborough, if the numbers are off at the beginning it is going to go year after year and step after step. He was just amazed that there was such a fluctuation. In having done it before with the other ones, the demographics were a lot closer to the numbers that the Board is seeing here. Mr. Keegan stated the comparisons were used for a community right next to us so they were able to benefit by that in terms of the work that was done. The survey was just recently done for the community right next to us. Mr. DeVellis asked how did Shrewsbury get in there, they have a budget that is 2.1 times Foxborough's; they have a \$36M budget. Mr. Keegan stated that you also take a look at the form of government also, for the most part, those are all managers in the communities. Mr. DeVellis stated that is what you want communities with similar structures. Mr. DeVellis stated that if you look at a population of 35,000 a Library Director; and Shrewsbury just put up a brand new library and you are going to hire a Library Director for a population of 35,000 and pay him, and then compare it to a population of 16,000 for the same services, the numbers are going to be skewed and he took out anything that was a 20% difference and he was still getting the same numbers, it was just that top heavy to bring that 50% up; it is not just one or two, the bulk of these are much richer than what he thinks they need to compare themselves to. Mr. Keegan stated that their concern is that they tried to do the best they could with the comparisons that they could make based upon the experts advice to them and what their market was. Mr. DeVellis is using a set of standards and he understands that but a similar standard that they applied was to use a community right next to us. They can look at Mansfield and see how they would do this and he thinks their approach would be similar to ours. Ms. Coppola asked what community they were talking about in which Mr. Keegan stated Walpole. Ms. Bernard stated that is where a lot of this data came from.

Mr. Feldman stated that they used this survey to come up with the steps. Ms. Bernard stated that the consultant advised the grid to her that had starting salaries that were within the 50th percentile and actually the ending salaries they didn't even up those by 2%, they kept within their current grid so they didn't up their grid, their grid has still the same anchor as it did in FY16 so they didn't increase any of the top end salaries what they did was anchor and move toward the beginning so some of their starting salaries are higher than what they were but the end salaries are exactly the same and because you had to make it work for the 2% step they did not increase their salaries based on this he just simply created a grid that maybe had to start a little higher competitively which is the complaint that they get from a lot of longstanding employees is as they recruit and bring on experienced people, they may have been there for three years and they are on Step 3 and then they bring on someone from another town who has ten years of experience and they put them higher so they were finding that they were not hiring at Step 1 so his grid made sense to her because now their starting salaries are a little bit higher and each of the employees impacted by this will move up 4% and their end salary did not change (she had given the Board a color copy of the steps). That was the FY16 rates and if anyone was on that step they would only be getting 2%. Fortunately for them, there is only one person moving to that step so no one was cut off. They didn't move it higher but what they did is they are changing the hiring step to be a little bit higher and that is a little more realistic to what they have been doing. In very rare cases in this management group do you hire at Step 1 because you are looking for someone with 5-10 years of experience and education. Those are factors when you bring them in midrange so now it is allowing them to adjust and hire at a Step 1 because now their Step 1 is a little higher than it used to be but their Step 10 did not exceed the grid; they didn't multiply it based on one of those towns.

Ms. Coppola asked if that was the exact list that the Town of Walpole used in which Ms. Bernard stated that the consultant that did Walpole provided them with data but then he mixed it. Ms. Coppola stated that Walpole for them isn't even on the list and asked if Foxborough was included in the Walpole list. Ms. Bernard stated probably because they answered his survey. Ms. Bernard stated that Walpole is on the third page.

Mr. Mitchell stated if they just took the surrounding communities around Foxborough and took Concord, Lexington and Shrewsbury out, where does that leave them. Ms. Bernard stated in general his estimate was that we were okay if they didn't change the upper end of their grid because he didn't want them to exceed the higher end salaries which would have put them over on some of those comps.

Mr. DeVellis stated Walpole is in there but also Sudbury, Westwood, Wilmington and Westchester and if he went through those numbers he thinks it would be even worse. Ms. Bernard stated that they had to keep in mind that they couldn't decrease people's salaries so they didn't increase them. Mr. DeVellis stated that if someone comes in that wants a job they will say they can afford to pay this because of the study done in 2016 and he doesn't think the people that live here and pay the taxes and set the standard here are up at that level and he thinks it is unsustainable. He stated that it is even worse now because he didn't see Winchester, Wilmington and Westwood. Those are some of the richer towns and Foxborough is not that. They have a stadium and he gets that and it skews it a little bit but where are the towns that people can relate to, the blue collar towns that would set the standard a little lower and if they

can't get the top price so be it. The process and getting in the three options is good but he thinks the numbers are way too high and he would like to see something that he can relate to such as population, our annual budget and our annual salaries. Ms. Bernard stated that they didn't pay a consultant to do this study; he was doing the Steelworker's study so while they were at it, she grabbed all the data of all the things and asked him to put it in a grid. Mr. DeVellis asked if this was the same study that was done for the Steelworkers in which Ms. Bernard stated they are currently undergoing the Steelworkers study so this is market research and it is available on even the MMPA website for free and they can do communities like that. What she would suggest is if the Board wants them to do an evaluation of the job descriptions over, they haven't done a full blown salary study, that could be something that they can do for next year but this right now is the grid that they are using to make offers to new employees and they will be planning in a few weeks to make an offer to the new police chief so they kind of need a decision. Mr. Keegan stated that they are in a difficult spot because if they keep dragging this decision out they can't bring people on. Ms. Bernard stated they have offer letters without an established salary. Mr. Keegan stated that he was okay with waiting for a few weeks and he thought that was fine and he didn't hear from anyone. Mr. DeVellis stated that he put this together today and as he was sitting at his computer it was just getting worse and worse. Ms. Bernard stated that she hoped they reassured them that they did not increase that chart. The consultant assured her that they were within a reasonable market and they didn't upgrade the last step to get any higher. They took the FY16 salary chart and multiplied every person x 4 and increased them on this chart and built 2% steps that they could look forward to. Mr. DeVellis stated that there are offers out. Ms. Bernard stated that they currently have two Deputies being paid as Captains because they can't make that go forward and the police chief is on the horizon and they have a couple of positions they can't move forward on because they don't have a rate of pay.

Mr. Feldman asked on the plan where they have current average mid max and there are two numbers and he is assuming that is the range and you go to each community, is that the range of what they are paying today. Ms. Bernard stated that this data is for FY16. Mr. Feldman stated to take Walpole as a for instance there are two numbers, a mid and a max number based on the current average, what does that number represent. Ms. Bernard wanted to know if he wanted the average of all the communities or just Walpole. Mr. Feldman stated that he is just looking at one line item in Walpole because he is trying to understand how they came about those numbers because they have a current average mid max and they have a mid max median at the 50th percentile and they have a mid/max mean and then a 75 percentile and then a mid/max reported; which number is that Walpole number based on. Ms. Bernard stated she believes they are doing the average min max median 50th percentile is what they are targeting. 95 is the min/max and Walpole is paying 96. Mr. Feldman asked if that was their salary range based on the 50th percentile. Ms. Bernard stated that is their grid; most municipalities have a grid so they give you minimum and maximum and the reported is usually what the incumbent's actual salary is. Mr. Feldman asked where would be the reported from this grid. Ms. Bernard stated the min/max reported right before the communities and they have paid as low as the top number and they have paid as high as the top number. Mr. DeVellis asked if the DPW has gotten \$53,000 all the way up to \$155,000 in which Ms. Bernard stated yes, based on who it is, the level of experience and years. Usually one of these surveys have things that you click on and it will be how many years in the position and that might have been a partial year; the \$53,000 sounds small because that is what a DPW worker makes so there is probably a story behind it and that is what you usually

click on and get that data. Mr. DeVellis stated that a decision needs to be made because if you look at the list that represents of the non-union the DPW Director is not an issue; the Fire Chief is not an issue. Ms. Bernard stated that his evaluation has been done and they are just waiting on a range to put through. Mr. DeVellis stated the Fire Chief and the Police Chief which is a separate process that has already been advertised and there was a salary range that was advertised. The Finance Director is not at issue, the Assistant Town Manager is not at issue, the Library Director and the Police Lieutenant in which Ms. Bernard stated yes, the Police Lieutenants are not placed. Mr. DeVellis stated the Town Clerk is not at issue right now. Ms. Bernard stated the Deputy Fire Chiefs are at issue. Mr. DeVellis stated that if they are looking for a vote tonight because they need to make a decision, his vote is going to be no. Mr. Keegan stated he thinks if they understood a little bit more of what they are looking for specifically. What they tried to do is get an understanding of their market and this is a reflection of their market and they have already proven that they have pulled people from those markets to get people to work here so it is clear that this is their labor market. Mr. DeVellis stated they are talking about the same thing and he wanted to see what the pool was so they are saying that they are taking someone from one of those towns and moving them over and that is the salary that they are making at that town. Mr. DeVellis stated say if you take someone from Lexington and they are working in Lexington and making \$120,000, pulling them over here to make \$120,000 is not going to work because the town doesn't have the salary to support what Lexington does so he thinks they have given him what he is asking for but he just disagrees that is the basis. Ms. Bernard stated they just hired someone that took a \$6 an hour pay cut because they were making more in another town but this town was attractive. Mr. DeVellis stated that is what he is getting at, that this town is attractive and they don't have to pay someone from Lexington. Mr. Keegan stated that they are not doing that in the cases that he just described; they are not offering a person \$120,000 a year. Ms. Bernard stated to keep in mind that they did not increase the salary grid, the last number is FY16 Foxborough salaries, they didn't add on because Shrewsbury or someone else made more, they did not add on extra steps because their person makes \$155,000 and Foxborough makes \$130,000. Mr. Keegan stated that Central Massachusetts is a different market than even here because they will notice that Shrewsbury numbers tend to be on the lower side because it is in Central Massachusetts and Central Massachusetts has to pay a little bit less. The further you get the closer to Boston the market seems to increase and we are considered Metro West Boston. Ms. Bernard stated that it is almost like shopping they went to the biggest store they possibly could because they wanted to see what the prices were but they did not increase their prices. Mr. DeVellis stated that he thinks they did though because if someone is coming in here for job x and they are looking for what do you offer and they look to the pay plan and say they are offering it because it is in the 50 percentile of what everyone is doing and they make them an offer. Ms. Bernard stated that their goal is to now because they adjusted the bottom steps to be closer to market they would be offering at the beginning steps. Mr. DeVellis stated their market study is what he is disagreeing with because he doesn't think it is a market study that is relevant to Foxborough. Mr. Mitchell stated it has towns like Westwood and Lexington. Mr. Keegan stated that it has the other ones too and it is a balance. Mr. DeVellis stated if it was he wouldn't have an issue but everything is top heavy on the numbers that he pulled out. Mr. Keegan stated that his question would be what would be his idea of a market and what communities would that reflect. Mr. DeVellis stated he thinks the communities they have in there are okay to leave in there, some of them, but some of them need to be taken out. He doesn't think they need to add them he thinks the ones that don't make sense to him need to be

taken out. Mr. Keegan stated that he needs to know what he is having trouble with so they understand his issue. Mr. DeVellis stated out of the 19, why is Concord in there, their average salary is \$120,000; their yearly budget is \$89M compared to Foxborough's so it is more than what we are doing so why is that in there. If you take that out, it comes down a little bit. He doesn't want to go through all of them but there is a market study and there is common sense. Someone needs to explain to him why Winchester, Concord and Lexington are in the data base. Mr. Keegan stated you could have similar communities, Winchester is not that much different population wise than Foxborough; they may have a bigger budget because they spend more on their school system and they may spend more in other areas than we do but in terms of the size community it is also a similar structure in many ways so they would consider that as a possible comparable. There were different reasons; Concord is a manager community and it is \$89M vs. \$70M which is what we are here so they are not that far off it is in a reasonable ballpark. He would say that Concord pays a little bit higher but you also have communities that pay a little bit lower. Shrewsbury is a great community and it has a great structure, but they tend to pay lower so you have to balance those things out. Mr. DeVellis stated that he gets it but going down the list there is way more top heavy stuff. Natick \$134M budget and their population is 33,000 people so you have a population that is twice as big, a budget that is more than twice as big and it is not next door so why is that in there to bring all of our numbers up. Mr. Keegan stated he wouldn't describe it as trying to bring the numbers up. Mr. DeVellis stated that is what happens when you have something like that in there and he looked at taking out some of the smaller ones but the only other ones that are in there are Stoughton and their median income is \$67,000 so it is 30% less than what we have and their annual budget is 1 ½ times more so you take that one out but it doesn't change it that much because of those specific factors in there. Mr. DeVellis stated that if you took out the highs and lows, one at the top and one at the bottom they are down 30% of the whole thing to start with. He didn't mean this to be a big back and forth because he thinks there is good work in there to get a consensus of the management there but setting a standard at the very beginning based on a study; we didn't pay for this or it was left over from Walpole. Ms. Bernard stated that this group is always together so when they gave him the data all of these positions were in there because they were all bylaw positions on the same grid so now the Steelworkers are out and they are doing all of their job descriptions and he is creating a comp plan and he had to look at all those communities anyway; internal equity, market equity so as the positions were available he just put them in a spreadsheet for her. This was all originally one pool of people on a non-team grid salary plan. Steelworkers negotiated into two little groups so all these positions were together on the same exact plan. This plan did change except they collapsed steps and kept the end the same and just multiplied people times the 4% to actually place them on the plan. Mr. Keegan stated to think about what they talked about earlier that they are going from a 85 percentile plan down to a 50 percentile plan. Mr. DeVellis stated that he would guess that the 85 percentile plan that was done 5 years ago was not the same comps, he remembered skimming it and he doesn't remember seeing any of the bigger, richer towns in there.

Mr. Feldman stated that if these are reported wages for each community and you look through what our range is compared to Winchester and Concord our ranges are actually higher than what those communities reported in most instances. Ms. Bernard stated that is why it was not recommended to increase the plan itself and by not doing that for a year, you actually start catching up with the market. Mr. Feldman stated that if you look at the Concord DPW Director

it is a salary range of \$92,000 to \$139,000 and you look at Foxborough and we are in a range from \$119,000 to \$149,000. Mr. Keegan stated that it is a range. Mr. Feldman stated that our range is higher than Concord. Ms. Bernard stated that is what they are trying to do, is to adjust without holding the incumbents; they can't slash the pay plan at this point. If they wanted to do a full blown study they could do the job descriptions over and do exactly what they are doing for the Steelworkers and increase the study that they are currently doing but they owe it to them to get their deliverables done. They embarked on this as part of bargaining so she could definitely foresee in the future extending this and having a new look taken at it with FY17 rates. Mr. Feldman stated that this salary survey was just to use to set the floor for the first steps. Ms. Bernard stated that it was to give them available data because if they look at some of their comparable communities where they compare themselves to Easton and Mansfield, there are not even enough similar positions in those towns to look at so they just tried to give them a little more depth and breadth and they used things like distance from Boston, similar form of government and annual per capita and those types of market things that they look at.

Ms. Coppola asked what is the most important criteria; would it be the immediate surrounding towns because when you think of salaries you think of what is Mansfield paying, what is Easton paying and what is Sharon paying. Those are immediate and the towns are pretty similar in population. Ms. Bernard stated that Bristol County is going to be lower than ours so that would automatically inflate that and make our salaries look higher but also we would attract their employees which is what happens on a regular basis. You can do contiguous communities and you can run this many ways but sometimes as you can see in the columns from some of our really close communities, they don't have similar positions; there is no Assistant Town Administrator; some of them have an elected Town Clerk and some of them have an elected Treasurer/Collector so there are not comparable things so he just tried to give them the most data he could that was in his data base.

Mr. Feldman stated that if you do a side by side with Franklin we are consistently higher by line item in that range. Mr. Keegan stated that is why they didn't increase it. Ms. Bernard stated what she would caution against is because they are doing the Steelworkers study and the Steelworkers all report to these people they are probably going to have to relook at this because of salary compression. The gap between the Steelworkers who are middle managers and clerical type of employees and their managers, is getting shorter and shorter because they did not extend this plan times anything and the police got it, DPW got it so that is another thing they are going to have to look at is the salary compression between managers and their employees and these are the executives of the town. Mr. Keegan stated when you are coming off a plan with the goal being significantly higher the numbers are going to be a little bit skewed initially but over time it will get them back to where they should be and that is to be within the 50%-55% range and even 60% because he thinks in some cases you should be a little bit higher because you want to be more competitive than the person next door to you because you want to be sure that you attract the best people you can possibly get at all times. They changed the philosophy on the pay plan. They could do comparisons and they could compare other communities if the Board wants them to look at that problem and they can do anything they want in the next year as well just because they are limited to this doesn't mean they can't stop looking at other options. His concern is that they have people that they need to get into a pay plan so they can pay them properly.

Dr. Elfman stated if they were up more at 80% he would see more of a concern than us trying to stay at that 50%, we are trying to keep neutral. He looked at the stuff and he was comfortable with what he saw, he saw some cities that were higher and he saw some towns that were lower and the bottom line is you are just not going to find a town out there to compare Foxborough to so you have to take an average and you have to compare with as close as you can and the criteria that was used was the town management and so on and so forth and he thinks you have to have a range like they had in that flow chart and he thinks they did a wonderful job in bringing it in as close as they can for what they needed to do and personally he would approve it. They had plenty of time to go over it; the Board decided to wait two weeks and not vote on it two weeks ago until they had a chance to go through it and he would like to see the question moved.

Mr. Feldman stated he thinks what this proves is the 85% that was the past policy we are paying for that right now in these numbers in this salary range. Mr. Keegan stated that there is a way to correct that. Mr. Feldman stated to Mr. DeVellis' point that is what the Board wants to make sure that they are correcting it going forward. He doesn't think they are in a position to freeze people's salaries or ask for salary reductions but he thinks going forward starting those steps at a proper level more is more indicative to the 50%-55% mean average he thinks that is where they want to be and they want to be comfortable with that. This clearly shows our range when you start comparing it to the cities that really we shouldn't be comparing to but where we are consistently higher he thinks that just proves that we made a big mistake. Mr. Keegan stated they are trying to adjust to include for that at this point and they understand that. Ms. Bernard stated that includes adopting a 50% strategy and not moving this salary plan forward so that if other towns are going up 2% this year on their grid ours did not and our Step 10, our end stayed where it was. Mr. DeVellis stated that he gets that and it is clear that the people that are working here are not going to get a pay decrease but if we are serious from taking it from the 85 percentile you can't just say we are 85% and then we are going to do 50% without having the data and he is looking at the data and to go from 85%, we still may be at 85% because they have different data. He is looking at 5 years from now with the decision they are making now for the 3 people, 2 people and 1 person, they are going to be the bulk of this in five to ten years from the decision now. He would like to have a study that says they looked at the demographics and that makes sense but have someone say this is what makes sense for Foxborough, this is what we did and this is the 50 percentile and anyone coming in the door that is what they are shooting for. Ms. Bernard stated that is what she would suggest for the upcoming budget season because this is the time to get ahead of it and not behind it and when they are setting their budget for next year they do a study that is mutually agreed upon with other contiguous communities or like population communities or like budget communities. They could pull that and begin that for the FY18 budget cycle which believe it or not in October they will probably begin starting. Mr. Mitchell asked how many towns they would actually have to use to get a good average 10, 12. Mr. Keegan stated in the 12-13 range. Ms. Bernard stated most towns use about 10 or so but again, Foxborough is unique. When you meet with one of the union groups, they have very certain groups that they want to compare themselves to if they are public safety they have different groups than maybe public works does. Mr. Mitchell asked if there were 10 or 12 that are on this list of 19 that they could pull and do it quickly. Ms. Bernard stated that this is the data for those towns and some of them are skimpy, the ones that are close to us because they don't have the same form of government or the same positions. Mr. Keegan stated you could add a few smaller communities or more in Bristol County and that will take the numbers down if

they go in that direction because it will skew the numbers the other way. Mr. Mitchell stated that it will just make our existing numbers look crazy. Ms. Bernard stated that she would suggest doing a comprehensive study. Mr. Feldman stated that if they voted tonight and it passed how do you go back and change the steps. Mr. Keegan stated that it means effectively that you set your top until you catch up to the market. Ms. Bernard stated that is why they didn't increase the end of it; they anchored the step at FY16. Mr. Keegan stated even 5 years from now if that was the case they would catch up to their range. Mr. DeVellis stated but from now and 5 years when you are hiring and moving people around. Mr. Keegan stated that they are going to know that there is a top to that range. Mr. DeVellis stated that he thinks it needs to get done before they hire anyone so if they want to move people around in it then they put a moratorium that there are no new hires until they figure it out because the mistake that was made from the 85 percentile demographics he doesn't want to be sitting there saying in 2016 they made a mistake. He doesn't see anyone on the list that if they don't make a decision tonight they are going to lose the Fire Chief or they are going to lose the Library Director; this is a select group of people. Ms. Bernard stated that in order to pay them they have to build this into their system. Right now the two Deputies are being paid as Captains; they don't have a correct salary in there because this grid doesn't exist in their payroll system. Mr. Keegan stated that the numbers that they have for them, half of them are within range. Ms. Bernard stated that it is very aggravating to the departments and this doesn't fit to have an approved salary schedule at this point operationally.

Mr. Feldman asked if it would it be possible to pull the data and bring this for a vote at the next meeting or have a special meeting next week. Mr. Keegan stated they would have to recalculate all the pay plans again. They spent months on this work. Mr. DeVellis stated that they wouldn't have to recalculate the pay plans if the study is right; if the study is wrong then yes, they would have to redo the figures. Mr. Keegan stated that what he is suggesting is they used the wrong set of communities and if they insert a different set of communities it is going to come up with a different number and that is the issue. Mr. DeVellis asked if they looked at that enough to say okay these make sense and they stand behind it. Mr. Keegan stated that he does. Ms. Bernard stated that she met with the consultant today and he is confident that these communities that are being used in the other study that we are right where we are supposed to be. Ms. Coppola asked if the Town of Walpole accepted his study. Ms. Bernard stated that because it is proprietary; they paid him for their study she can't say give her the Walpole study. Mr. DeVellis stated that he is not a professional consultant looking at the demographics but if they are saying this is the right data set than it is a philosophical issue that he has that he thinks he is looking at the wrong towns and he can't support it. Ms. Bernard stated that she definitely suggests that they do it for the next budgeting cycle if they can assure them that they did not increase this grid and they did not increase the end rates and they literally created it by taking every person on this grid, the real people and multiplied them by 4% and that is how they did that so there is no secret smoking mirrors that anyone is going to get more than 4% based on the salary data; they took what they were making in FY16 and multiplied it by 4% and then built steps around those incumbents so they definitely get that they have to hold the line and look at the data. Mr. Keegan stated that no one is going to hit the top on this range this year and they won't even come close to it. Ms. Bernard stated that there is one person at the top who is going to turn Step 9. Mr. Feldman stated that wasn't an increase and the only change is the floor. Mr. Mitchell stated and new hires. Mr. Keegan stated that he is perfectly comfortable with that number, the floors. Ms. Bernard stated the new hires have already been hired so it is just now they had to do a "this is what we think you

will be making” and they have been waiting for this plan so there are no job ads posted with these ranges. Mr. Mitchell stated so what they were saying is if they didn’t do anything with this pay plan these people for the next year are going to be in this salary range anyway. Ms. Bernard stated that they will be making 4% above what they were making last year and they haven’t increased the end and no one is at the end anyway. Mr. Mitchell asked how many new employees they are talking about between now and the next fiscal year. Ms. Bernard stated just the Chief right now is all that she anticipates but you never know if any retirements get announced in this group. Mr. Keegan stated last year they thought they would end up with 4-5 and they ended up with 10-12. Mr. Mitchell state that he 100% agrees with Mr. DeVellis that some of these towns are crazy but if it is not going to cost them anything in the next year theoretically then let’s really take a good look at it for the next budget cycle because if they say yes or no it is still going to be the same amount of money this year. Mr. Keegan stated that is exactly right because it is 4% irrespective. Mr. Mitchell stated that he agrees he doesn’t think we should be comparing ourselves with these towns but for this year moving forward it is not going to change anything. Mr. DeVellis stated it is a little bit of everything, it is the 4% and it is the fact that he is looking at a list that just is blowing his mind and being nonchalant about they can do it next year and maybe they will hire and maybe they won’t hire and this town is getting expensive to live in and these salaries he just can’t support it and he is only one vote but in good conscience what he is looking at doesn’t make any sense to him. Ms. Bernard stated right now she can say that they don’t have any of those positions posted; they don’t know what is going to happen but they just hired a Library Director and promoted the Police Lieutenants and the Deputies so unless someone leaves and they can certainly go to the Board and have that conversation when they post the job that is a fair thing to consider.

Mr. Feldman stated that when he looked at the range he was hoping that he was reading it wrong and apparently he wasn’t and they really need to take a hard look at this. They will put it to a vote and move this forward but no matter how it comes out he thinks they need to take a hard look at this and they may have to take another look at the floor and get a true representation. Mr. Keegan stated that the floor part he is perfectly comfortable with and he has no issue with that whatsoever, it is the question he thinks of where is the top end, where is that going to go but he can tell them in some cases some of these positions are very difficult to recruit for because some of these people just don’t exist and you can’t find certain people. This wasn’t the case with the group that they just did but that was on a national level and you don’t always get that national draw on certain positions. Ms. Bernard stated that it would also be helpful for one of the members of the Board to give them guidance when they do meet with the consultant and they do a study for the FY18 budget season and she would love their guidance on what they want to see for communities. Mr. Feldman stated that he would like to have the consultant come in and address the Board and explain his methodology just so they can understand where he is coming from and how he determines these data sets, he thinks that would be beneficial to all of them.

Ms. Coppola stated that they have had a problematic pay plan going on a few years now so is this Step #1 or Step #2 to correct it. Mr. Keegan stated it is about Step #3 and Step #4. Where they started from was the wrong starting place and the second thing is that okay if you have a pay plan that exists he then has to make sure that this works within a new pay plan which they were able to do. Three is that they want to stay within that 50%-55% range that is why they didn’t move that other end of that piece and then four they had to agree on the methodology of how you

move through the plan. There wasn't agreement on any of those things when they started here so they spent months working on this to get to this point and he fully respects the Board's position on this but he does think that they can fix that piece if that is their concern because there are other ways to address that going forward.

Ms. Coppola stated that this is the next step with Mr. DeVellis' concerns and there will be more things that have to be changed. Mr. Keegan stated that you have to monitor this annually because if you don't when those positions do become vacant, you have to make sure that you are marketable. Ms. Coppola asked if Mr. Keegan and Mr. DeVellis feels that in the future the steps that will be taken will address Mr. DeVellis' concerns. Ms. Coppola asked if Mr. DeVellis felt comfortable with that. Mr. DeVellis stated he doesn't and it is not personnel he just goes back to the last town manager saying they had professionals looking at the demographics and they needed to be at 85% because if you are only at 80% you are not going to get any good workers. He doesn't know what the perception is but Foxborough is not a bad town to live in, it is a safe community and people may not be lining up and breaking your doors down for a job but he has not heard that it is not a good place to work and people won't come over to work. Looking back at the discussion that happened a few years ago we needed to do this and no one questioned it and now we are paying more than he thinks they need to. This is the second time around and that is why he is a little hypersensitive about it. He thinks the pay plans are rich, he thinks the benefits are rich and it is a good community and they can attract the people by not doing a heck of a lot without doing all of the studies. He thinks now is the time to look at it and say where are we with reasonable comparison to the communities around us and that is what he thought they were going to get when they E-Mailed the list and it went from bad to worse. Ms. Bernard stated she wished he had reached out because she met with the consultant today and she could have probably gotten a lot of his questions answered. Mr. DeVellis stated that maybe it is a good idea for the consultant to come in and say this is why they picked these communities that have twice the average income, twice the population and twice the annual budget and that is why they are going to set the bar at that level and they can ask him because it sounds like he didn't really do it for this one, it was something that was taken from Walpole. Ms. Bernard stated he didn't do it because they weren't setting the top of this plan, they held this plan and they said did this make sense. Mr. DeVellis stated in that case it should have just not been sent over if it was just the top of the plan and everything stayed the same, why bother doing this and that is what bothers him because you have a lot of work from a different town that was submitted here. Mr. Keegan stated he thinks you need to hear from the consultant on this and the reason why they looked at the neighbors because they are the same market that we are and as a result they wanted to make sure that they were staying within the same ballpark and the reason why they didn't move upward because it didn't make sense to move upward and they built their range based upon the existing tops that they already had so they did not move the plan upward they just kept it where it was. Mr. DeVellis stated and then just adding 4% to it every year is going to compromise this. Mr. Keegan stated no, it is 2%. Mr. DeVellis stated the COLA and step. Ms. Bernard stated if you get a satisfactory evaluation you could move to the next step which is 2% and that is the only thing that someone would motivate moving forward. Mr. DeVellis stated that is when you get a review and move up but the COLA is not going down and it is not staying zero unless you are a senior citizen. Ms. Bernard stated that she has had years where there has been consistent zeros so you just don't know. That is one of the considerations, looking at the data they made the decision not to move the top end of the salary schedule any higher. Mr. Keegan stated that

his other point on that is if they came in and said look you have to move your ranges up another 10%-15% he could understand the concern but they didn't do that he thinks they stayed within the range where they are. If the Board disagrees with the data base they can go back and look at the data base and that is okay and they have a year to do that because at this point in time they are doing internal equity at this point. Mr. Feldman stated that he thinks it is important that they understand the methodology and he would like to have the consultant come in and address the Board. Mr. Keegan stated that should be a separate meeting for that because there is a lot to that discussion. Ms. Bernard stated he will have a lot of data on the Steelworkers pay plan which is an offshoot of this.

Ms. Coppola asked if this is in anticipation of the next budget. Ms. Bernard stated yes and it is really important as a community to set a compensation strategy so tonight's discussion is really valuable to them so when they are talking to departments or you are looking at compensation and classification of positions to know that the Board really is committed to the 50 percentile; those are their marching orders and that's how they will do it. It is good to have a compensation strategy so five years from now your numbers don't blow up or you don't lose your people or have people staying in jobs because it is the golden handcuffs and they are making so much they don't want to leave and that is something they are conscious of all the time.

Mr. DeVellis stated he does want to see it go forward but how about a motion to approve this contingent upon a 100% moratorium on any new hiring until they have a fair market study that they can agree to. Ms. Bernard stated people on this plan because they are in the middle of police and fire and that is a different contract. Ms. Bernard stated before they post a job or have a vacancy they will definitely consult with the Board because it may be someone that is not covered on this list. Mr. Keegan stated they can certainly have a conversation about that and come up with some ideas on how to do that but the problem with saying that they can't hire people, it is not like you have an abundance of staff so when they go without people to fill vacancies they try to fill them as fast as they can because otherwise it creates impacts on various operations. Mr. Feldman stated like the Police Chief, they posted a salary range in the advertisement so they have to be within that range. Ms. Bernard stated that she understood Mr. DeVellis to mean no more postings until they figure this out and if they have a posting because it is some type of disaster they will let them know. Mr. DeVellis stated they are talking about this list and the people on it; the DPW Director and the Fire Chief. Mr. Mitchell stated that he likes that and it forces all of them to get moving on this. Mr. Feldman stated he thinks they have to take a hard look at it and try and reign in the spending going forward.

Motion by James DeVellis to approve the FY17 Non-Union Pay Plan with the condition that no new hires that are not already posted be done until they come up with a Board of Selectmen approved market study rate to determine the compensation range of new employees. Seconded by Christopher Mitchell. **Vote 5-0-0**

Mr. Keegan stated everyone has their own strategies on this and his strategy tends to be he wants to make sure they competitively hire good people but he doesn't think you need to pay above the range or below the range, you want to be competitive. Mr. Feldman stated you want to be competitive and you want to be able to fix some of the sins of the past and rein that in and get back to where you should be. Mr. Keegan stated having said that, there are positions that you

may have to pay higher than normal just to get them; there are certain positions that are just difficult to find. Mr. Feldman stated those are the exceptions and that shouldn't be the rule and looking at the comparisons, regardless of the community it seems like they are at that 85 percentile. Ms. Bernard stated just by them putting in a performance mechanism they are ensuring that people are keeping the standards high so if someone isn't performing they are not just collecting a pay check and they are addressing it so that is another piece of the puzzle that they are managing.

Mr. Keegan stated the only thing that is really missing from this discussion tonight is the fact that they disagree on some of the base community data, they want to take another look at that to see if they skewed the numbers in the wrong direction. Ms. Bernard stated it would be great to have the consultant come in and throw around what he is thinking. Mr. Feldman stated it is important to understand the methodology.

8:25pm – Discussion of Awareness of the Board When Substantive Changes Take Place In Critical Areas of Town (Town Common, etc.) – James DeVellis, Heather Harding

Mr. DeVellis stated basically this goes back a couple of years ago and there are a lot of people that volunteer around the common for the past 20-40 years and a few years ago the trees got cut down on the sidewalk on Central Street and the understanding that he had was because it was a maintenance issue, plowing and maybe some of the shops didn't want the trees there because it blocked their signs so the trees disappeared. Ms. Coppola stated with the idea they would be replaced. Mr. DeVellis stated he and the Board members got a lot of calls and then the plan was they were going to put big pots there and they were going to get removed and the pots never appeared and then all of a sudden a couple of weeks ago these black poles showed up which everyone thought were lights and they didn't quite fit. Before that, there was a blinking light across the common now for the Library to cross and these decisions are being made by who, whose budget is it on and why isn't it coming before the Board of Selectmen. He had a long talk with Mr. Authelet. The whole process was they want to revitalize downtown but also these things are showing up and who is taking the responsibility and it may be the best thing in the world but he thinks the discussion has to be with the Board and last time when the blinking light came up it was said at a Board of Selectmen meeting that it was a mistake not talking to the Board and it wouldn't happen again and then these things go up. It might not seem like a big deal these poles going up on the sidewalk but is that part of new awnings and benches or is it just poles and these flower pots that are going to be up 9', who is going to water them and where is the budget coming from. People are upset about it and he is upset because he thinks it needed to be done at this table and again it didn't so he just wanted to bring that to the Board to see where they sit on this and there is a flower planting group around the common and are they expected to do the pots and if so how are they going to do it or are they looking to raise money for it. Mr. Keegan stated he is exactly right about what happened, the trees were removed before his time and he doesn't really know what the reasons were for that. It is pretty stark in that area of the sidewalk. He has been getting calls from residents complaining about the fact that there is no color in the downtown along that area and it is just a blank sidewalk. The idea of the flower pots was discussed but the problem with the flower pots is that if you put a flower pot down then it then impedes the sidewalk (wheelchair) it blocks access to the sidewalk. Those sidewalks are a good size but they are not huge sidewalks so the question was how do they put color in the

downtown. He got this idea from looking at other communities and said why don't they come up with a pole with a hanging plant on it that will be a self-watering plant and also there are rain absorbing pots so it has a pool on the bottom of the pot that actually allows you to refill the plant and by doing that you actually create some real nice color and you maintain the significance of the pole which is on the opposite side of the street and they are trying to match the same type of pole that they have across the street on the light pole and yet it is not a light, it is just a hanging planter to provide some color in the downtown area. They talked about this for a while actually and he talked about this at the staff level for quite some time; he worked with the DPW as well as the Town Engineer and he told them they needed to come up with a solution because this had been going on for quite some time and there had been no action on it and he kept getting the telephone calls about it asking what was going to happen. This was a case where he said to come up with a solution and he recommended that they come up with this and the DPW Director agreed with it and the Town Engineer agreed with it and they went forward and they did it. The poles are there and they are in the ground now. The actual attachments that go on there that are a colonial type look will then go on top of the pole and then there will be a plant that gets hung by that. The DPW Director said he reached out to the Garden Club about doing something with the plants so they could maintain them on a regular basis. Again, he tried to do the right thing and unfortunately it never even occurred to him that this would be something that he would bring back to the Board to discuss because he was fixing something that already occurred in downtown. The damage was already done and he was trying to fix it and move forward. He didn't realize that it had to be brought back to the Board and he has not had that experience in other places so he didn't realize that was the case and again when it came to the light situation he referred that to the circle and not to that section of the street so he didn't think that would be an issue in that case either.

Ms. Coppola asked if these poles are just on Central Street. Mr. Keegan stated it is just in that one area where the trees were removed and concrete pads were put in their place. Mr. Mitchell asked if it was along where Spoodles was. Mr. Keegan stated yes and there were actually 4-5 poles that were placed in that area and it really just matched up where the trees were taken out. Mr. Mitchell stated his opinion is that he should have brought it up to the Board in his Town Manager Update but he doesn't necessarily think they needed to vote on it that could go either way but just to let them know because like Mr. DeVellis stated he had people asking him why they were putting lights over there. He knew from talking to Dave LaLiberte that it was going to happen and he would have liked to have seen them positioned either the poles differently or he hopes they are going to relocate a couple of the flags because some of the existing flags are touching the poles. He personally thinks it will make the downtown look a lot nicer he just thinks the Board should have known about it. Maybe it is a discussion if anything changes in the whole center of downtown does it go through the Economic Development Committee first or does it come to the Board to vote on. Mr. Keegan stated that it would be helpful to him to know and collectively for them to designate what areas need to be brought back because it is not clear to him what areas need to be brought back. They fix sidewalks, they fix roads and they more or less get it done and if it is not done right they certainly hear about it and go out and fix it and make it right but he treated this as normal maintenance work because it was something that had already been damaged or constructed a certain way and they were just trying to make it better.

Mr. Mitchell stated that one of his concerns is those pots are going to be self-watering, 9' tall and how can the Garden Club maintain those. Mr. Keegan stated they would do it with assistance from the DPW and they would help with that process. Ms. Harding stated it is not the Garden Club, it is the flower bucket program and the Garden Club members do a couple of the buckets. What she currently runs that she took over from Mr. Authelet is just the flower buckets that are around the common and the Garden Club does do a couple but most of them are just adopted by local Foxborough families and they plant them however they want and they weed them and they water them and maintain them throughout the whole summer. They had talked about expanding that and trying to add some more planters and changing them to self-watering planters that would match the ones around the flagpole and moving them to outside the common and Mr. Authelet was in on that to try and beautify the common. She heard about the flower poles and she said she was happy to help in any way possible but she didn't know how she could ask people to adopt a bucket that is going to be 9' up in the air because how are they going to plant it and how are they going to water it. Mr. Keegan stated that DPW would assist with that. She wasn't sure how that would work and she is happy to do whatever the Board wants and one of the other things that came up was the current program what people liked about it is they would go up with their kids and they can plant it however they want but where these are going to be kind of uniform on Central Street do they have to be all the same flowers so in that case are you really just looking for someone to sponsor it as opposed to actually doing it and she just needed some guidance if they wanted her program involved and she is happy to do whatever they want.

Mr. Mitchell stated that they all need to be the same color, plant, same everything or something similar (every other). His concern is having a volunteer up on a 9' ladder on the street sidewalk with a street pole and flower pot and they fall off the ladder or something. Mr. Keegan stated that they figure out what colors should be on the plants, plant the actual buckets and then they get hung by the DPW and not the Garden Club or the volunteers, they wouldn't want them to do that. Mr. Keegan stated it is just a matter of hooking up a hose to the reservoir. Mr. Mitchell stated he personally thinks the DPW should be in charge of those and not the volunteers. Mr. Keegan stated that those pots that they are thinking about, you don't have to do very often and they are low maintenance. Mr. Mitchell stated that they are still talking about a volunteer getting onto a ladder with a hose. Mr. Keegan stated that it was never his intention to do that. Mr. Mitchell asked how they are going to water them in which Mr. Keegan stated that the DPW would do that for them; they would handle that piece of it. Mr. DeVellis asked why they would need the volunteers then in which Mr. Keegan responded just to help out with the initial planting; it is low maintenance after that. Ms. Coppola asked if the DPW was on board with maintaining them. Mr. Keegan stated they are the ones that actually selected the poles and that process. Ms. Coppola asked if it were from their budget in which Mr. Keegan stated yes. Ms. Harding asked if there has been any thought because they are outside of those businesses to see if any of those businesses wanted to sponsor one of them. Mr. Keegan stated that they could conceivably. Ms. Harding stated that she didn't mind asking. Part of the nice part of the flower buckets on the common is that families adopt them and they plant them however they want and some families change them out during the year; they do pansies, then they switch to annuals and then they switch to mums. Mr. Keegan stated that he doesn't have any particular methodology here and he is just looking at a way to address the problem that has been going on for a long time and he just wants to fix it and move on. He wants to do it right so if she has other ideas on how to do that, he is all ears. Ms. Coppola stated that she remembered one of the concerns that the merchants

had were the trees as they grew blocked their signs and now with the 9' pole she is assuming the plants will be big around, are they going to be blocking signs. Mr. Keegan stated he doesn't know of any of the signs being impacted. Mr. Mitchell stated that he doesn't think the plants will ever get that big because they are annuals. Mr. Keegan stated that the pots aren't that big and if you go to North Attleboro, they have the same exact look. Mr. Mitchell stated that Taunton does also. Mr. Keegan stated that when he was in New York it had the same look down the streets as well. Ms. Coppola asked if he could get the okay from the merchants before it goes up because you don't want to have it up there blooming and then have the merchants say they don't like those because they are blocking their signs which was the problem to begin with. Mr. Keegan stated that he thinks it is fine and at some point they have to make a decision and stick with it because there is never going to be a perfect solution. He is not going to say they will have one there but not there, that is going to look funny. Ms. Coppola asked if he consulted the merchants in which Mr. Keegan stated no. Mr. Keegan stated the question is as he looked at other places that have done this our street isn't any different so his point is he is not looking to create a problem. Ms. Coppola asked doesn't he think they deserve at least an "oh by the way we are going to put these things up just to let you know". Mr. Keegan stated they can do that but none of the businesses have reached out to him with a concern and no one has called him. Ms. Coppola asked if they know what is going up there. Mr. Keegan stated that is a fair point but it is frustrating sometimes when he is trying to do something right and they end up with 25 different questions so he is just trying to get to that point. Mr. Mitchell stated when they put those pots around the new flagpole he said that those would look great around the common so they started talking to Mr. Authelet and the DPW and they came up with a plan to double the amount of pots that are up there and they are going to move them on the outside; Ms. Duncan and Ms. Harding forwarded him an Economic Development grant that they could possibly get some beautifying downtown so it would look awesome and they are going to try to get it done one way or another and if they don't get the grant they will see if businesses can sponsor them so it won't cost anything and it will be additional volunteer opportunities. The ones that are on the flagpole, he went up there last Tuesday night and the plants look great; they are big and beautiful and he got the idea from where he works in Taunton. You walk down that street and he was looking at them today and the plants look absolutely gorgeous and it brightens the whole town. If they can put an additional 19-20 flowerpots it is going to make the downtown look attractive. Ms. Harding stated that they will have no problem with this because on the flower bucket program, she has a wait list for people who want to do those flower buckets. When this came up if someone else wants to do it, that's fine and if they want her to take it on she is happy with that too she just wanted to see what people wanted in terms of do you want them all the same, do you want people to do them different and that is something she can work with Mr. Keegan on. Mr. Keegan stated that ultimately they can build a group that can focus on all of those types of decisions and he is fine with that and he is not married to any particular methodology he is just trying to mirror some other places.

Mr. Feldman stated he thinks they just need to set some parameters of when any esthetic or architectural changes are going to occur in different parts of the town that should go to the Board. Mr. Keegan stated he thinks that is what he is looking for and that is guidance. Mr. Mitchell stated a perfect example is Leonard Street, if they were all told well in advance that they were going to lower the sidewalk by 18" and it is all going to be at grade instead of this is how we did it and they saw what happened. Had they gotten that information ahead of time maybe

they could have saved a lot of money. He is not comparing that to the five poles but it is definitely an architectural change and it is a change and he personally thinks it is a change for the better and he thinks it is going to look great. Even if he does it in his updates to the Board.

Mr. Keegan stated that this was a case where even he got caught by surprise because he had been asking when was it going to happen and then they came in and it got done. He didn't know exactly the day it was but it went pretty quick and it was in the last few weeks and he probably should have reported it at the last meeting.

Mr. Feldman stated he thinks going back to his previous statement they have to set some parameters in certain areas in town and he doesn't think they will be able to do it tonight. Mr. Keegan stated what they need to do is have a downtown strategy. Which means to tell them what they believe to be their downtown area because obviously they will have different opinions of that. Mr. DeVellis stated obviously Central Street and the Common and part of the reason they are there is because Central Street and the Common weren't respected by the DPW cutting down trees without saying anything so Mr. Keegan is trying to fix something that didn't need to be fixed because it shouldn't have been broken in the first place or maybe the trees should have come down if everyone had agreed on it but it was just done. Mr. Keegan stated he wasn't there to pass judgment on that all he knows is he is looking for a way to improve that. He thinks if they look at that, they really need to define that and then they can say those are the rules and before we do this we have to do this and they just have to make sure it is a strategy that they all agree on.

Mr. Feldman stated he thinks to maintain consistency they should probably look at the delineation within the Master Plan of what constitutes the downtown and some other areas of town and use that. Maybe they create an architectural review board within that specific area. He knows they have a design review board and he doesn't know how in depth they get and he knows a lot of communities he regularly has to appear before them for projects but they weigh in on everything from awning colors to the size of signage, flower pots and everything else. Mr. Keegan stated that he would caution them against creating another board in which Mr. Feldman stated that he is not suggesting that. Mr. Keegan stated that you either take one of your existing boards like the Economic Development Committee or the Board of Selectmen and serve as the review board for these changes. Mr. DeVellis stated that they have the historic district handled and they have the Planning Board handled for if you want to take down trees and calipers that is all down. He thinks what they are asking for is around the common and Central Street to have it as a discussion item. Mr. Keegan stated he is not looking to disrespect anyone's authority and even if it was written that way and he wanted to see it that way, he is perfectly fine with doing that it is just that there were a number of circumstances associated with this as to how they reached that final conclusion and quite honestly he looked at the poles and thought they looked pretty nice. Ms. Coppola stated that it would be nice to get a "oh by the way we are doing this" just so when they do get the telephone call they can answer them. Mr. Mitchell stated either that or the next time put the pole and the plant up on the same day and everyone would have said that looked nice. Mr. Keegan stated what happened is the two pieces came in separate shipments and the other pieces are actually in now.

Mr. Feldman stated that if they are made aware then people like Ms. Harding and some of the groups will be more than willing to step up and take part in it and help out. He thinks it is just to bring it to the Board's attention and that is all they are asking for.

8:48pm – Selectmen's Update

Mr. Feldman stated he wanted to thank Chief O'Leary and the Jaycees as last Tuesday night they had the National Night Out and it was Chief O'Leary's last Night Out as Chief. The Jaycees did a great job and public safety came out and did a great job. The kids came out and had a lot of fun and the ice-cream was great. Mr. Feldman stated that there were a lot of animals there; dogs and someone brought a pig. It was interesting because there was very little barking and even the pig, everyone got along and it was great to see the kids had fun with the animals. It was a nice presentation by Personal Best Karate and Kris Long and her group was up there; Child Safety was up there and all and all it was a really great night and he was glad the weather cooperated this year.

Mr. DeVellis stated he wanted to mention the passing of Bill Euerle who was a longtime volunteer and he did a lot for the Water Commissioners Board. If you look at Route 1, the water reuse and the billboards he was a very smart and quiet man and he was on that board for a number of years with a steady hand and it was sad to see him pass. Condolences to his family and a thorough thank you for all the things that he did for Foxborough for a lot of years. Mr. Mitchell stated that Bill was also a phenomenal Scout leader; he shaped a lot of Eagle Scouts in this town his two boys included.

8:51pm – Town Manager Update – William G. Keegan, Jr.

Mr. Keegan stated he went at 11:00am this morning to the State House where Governor Baker and Lieutenant Governor Palito were there to sign a Municipal Modernization Bill. It was a 250 section bill that has multiple changes and improvements in it for municipal government and it is something that hasn't been done in over 50 years. He was very happy with what has been done and there were things in there that of course didn't get done but those are minimal in comparison to the things that did get done so he will be providing the Board with a summary of those changes that will be coming forth and the Lieutenant Governor indicated to him today that they will do some sort of reach outs to the various cities and towns explaining all the changes because there are just so many contained in that bill and he was amazed to see that it actually got done because he knows there were a lot of different pieces of that, that were controversial to some and there were a lot that weren't but it just needed to be changed. Mr. Mitchell asked if this was the bill that gives towns more authority over liquor licenses. Mr. Keegan stated that did not get included unfortunately. There were two sections that he thinks were of great interest to cities and towns and that was one of them and the other one was civil service. It got addressed to a degree but it did not get removed once and for all. Ms. Coppola asked about the by right zoning. Mr. Keegan stated that was contained in a different bill but there were some zoning changes included in that and there was some zoning relief granted to that. If anyone wants to read it, it is on the MMA website and they can actually look through it; it is quite extensive. He was glad to see that come about and congratulations to the Governor, Lieutenant Governor and staff who worked on that for months and also the leadership in the House and Senate to make that happen.

It went right up to the wire in getting it done but they were one of the first committees to actually finish their work in terms of all the major bills that were finally approved.

The Jaycees are having a vigil on the common to commemorate September 11th and they will be there from 4:00pm-9:00pm that day and they will be utilizing the common for that purpose but there will actually be a candlelight vigil to be held on the common from 7:00pm-8:00pm on that evening.

National Night Out was a great success and thanks to all the public safety people that participated in that as well.

The Tri Town film that they showed them at the last meeting is actually now on our website and it has been issued to all the three towns and is on the Chambers website as well and they will be presenting that to Governor Baker at the end of this month in Norton.

He had a chance to meet with Dr. Elfman last week to go over a lot of different things as sort of an initiation of different things that they have been working on and get him up to speed on some things.

There is a lot going on, on the Board's August 23, 2016 agenda so it is going to be a long meeting. There are a lot of important things such as the Police Chief Candidate will be brought forward that evening and hopefully everything will go as well as planned. Mr. Mitchell stated that won't be an interview. Ms. Bernard stated they have allowed 25-30 minutes for the Board to meet. Mr. Mitchell asked if it would be one or two. Mr. Keegan stated it will be one finalist. Mr. Mitchell asked if at that point, is this the chief that has been selected? Mr. Keegan stated that according to the Town Manager Act, it is the recommendation of the Town Manager that gets brought to this Board and the Board makes a confirmatory vote to either approve or they can disapprove the selection however the Board cannot substitute their own selection for that person. If the Board rejects it, he has to go back and look at another candidate for consideration. Mr. Mitchell asked on the Friday prior is that the only time they will have knowledge of who he is in their packet; will they get any advance prep that they can do. Mr. Keegan stated that in terms of this kind of appointment he would say that once he makes the decision he will notify the Board individually. He can't announce the decision officially until he brings him forward and he will certainly provide them with backup information for the Board's packet. Ms. Bernard stated that they have prepared some documents for them already of what the questions they asked, what the processes looked like and what the writing sample was and just so they have an idea of what the steps have looked like thus far so the interview script from telephone interviews and the interview script from panel interviews and the writing assignment. Mr. Mitchell stated if any of that has already been done and accomplished, can they get that ahead of time. Mr. Keegan stated he will give them that for the selected candidate but the others he would be reluctant to release.

Mr. DeVellis asked them to briefly go over what is confidential as a courtesy and what is confidential with respect to the public records law. If someone wants information are they not providing this as a courtesy to the person or because no one has the right to it under a certain law. Mr. Keegan stated all the processes that they are using up until now is not public process so it is all private so there is no public record being established in that regard; they are not sharing it

with the public. The only information he would make public is the information concerning the individual that they selected. Mr. Mitchell stated even the four finalists will never be made public in which Mr. Keegan stated never. Mr. DeVellis stated that is not just a courtesy they are doing, that is in the statute in which Mr. Keegan stated yes until you become the finalist your name does not become public.

Ms. Coppola asked Mr. Keegan to talk about the groundbreaking in Norton at the MFN. Mr. Keegan stated that they did have a groundbreaking ceremony that as held at the existing water treatment plant; the Mansfield/Foxborough/Norton treatment plant. There is a major expansion planned at that facility and the first groundbreaking was held last week at the site and was well attended and Ms. Coppola actually attended. The project is about a three year process or 30 months, it is pretty lengthy construction process and it is a major expansion of that plant so now they will have the capacity for developing other areas of town as long as they can get the infrastructure in place, which is the piece they are still working on.

Ms. Coppola stated that Representative Barrows did all the talking but he said very nice things about Bill Euerle and how important Bill was to the whole process and what he said was really very nice. Mr. Keegan stated Bill was very instrumental in that whole process and again thanks to him and to his entire family, our condolences to them because he was such a major contributor to this community and for such a mild mannered person to do so he walked quietly but carried a big stick he was one of those people that really made an impact wherever he went so they are grateful to him and his entire family for that contribution. His legacy will live on in what is being constructed now.

9:01pm – Assistant Town Manager Update – Mary Beth Bernard

Ms. Bernard stated they are working on final arrangements to present the finalist Police Chief candidate to the Board as one more step in the process that they are working on. It has been a very comprehensive process and she is confident that the semifinalist or any one of them could do the job. The consultant will be conducting an assessment center at a future date and those scores will probably determine the ranking of the candidates and Mr. Keegan will be making a decision on that.

They are culminating a compensation and classification study for the Steelworkers with great guidance tonight from the Board they will continue to follow their strategy and they will share with them their strategy at a future meeting with the compensation consultant and his methodology and invite him here.

They have been selected here in Foxborough to host a prestigious program around the state and it is called the SLDP which is the Senior Leadership Development Program and the MMPA developed in concert with UMass Boston and the Collins Institute at UMass Amherst developed this program. She was in the pilot program five years ago that helped develop it and they have selected Foxborough to host it and it is in September and they are fortunate that they have four of their supervisory employees who can attend; one of them can attend for free. It works on leadership skills for midlevel management people so she is thrilled that they have four employees going and they are really excited to be hosting here in Foxborough. Mr. Mitchell asked if this

was one day. Ms. Bernard stated that it is 18 hours so it is 4 days of 3 hour sessions; she thinks there are 4 Fridays in the fall and one day is a longer one so it will be a 6 hour day. It will be at the McGinty Room. They found that space to be really good; close proximity; good parking; great audiovisual things so she is thrilled they are housing that. They are looking at Foxborough for a lot of future meetings. She is thrilled that they have 4 employees from 4 different departments that will be going through this program.

Even though it is summer and meeting schedules have calmed down, they do have their Opioid Task Force meeting next week. They have been hard at work all summer trying to define the roll of the task force as well as maybe come up with a new name for the group. Their strategy is to become a collective resource place for the community so is it education or warning signs you are looking for; is it programs you are looking for. Everyone went home at the last meeting to collect data of their particular interest and expertise and they are compiling all of that to be housed and presented at a future fall program and then hopefully they will have a website and serve as a community resource. They have great representation on that board so they will be meeting next week. Mr. Keegan chairs that as well as Regional Dispatch which is also still moving forward with some exploratory meetings and there is another meeting on that next week as well. Mr. Mitchell asked when that was in which Mr. Keegan stated either 8/16 or 8/17. Mr. Mitchell asked him to send him an E-Mail of the date.

Next week the Personnel Board continues its work on policies and they are exploring looking at policies along with their HR Counsel who has been advising them on policies. They have invited all of the bylaw employees to meetings and they encourage their participation and they are working on creating a policy manual for presentation at a public hearing and to the Board. They continue to hammer out projects and next week they will be talking about a drug and alcohol policy, holiday, time off and they are going to start looking at a social media policy as well. On horizon are more policies; they just keep updating them as they circulate and they will present them to this Board.

Mr. Keegan stated that the Regional Dispatch is August 1,6 2016 at 2:00pm at 94 West Main Street, Norton, MA.

9:06pm – Action Items

Motion by Mark Elfman to accept two street namings Lawton Farm Roadway A to be named Goodwin Drive and Roadway B Conway Lane. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to approve the 36 Election Workers whose terms are expiring on 9/1/2017. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to approve Jennifer Savickis as an Associate Member of the Foxborough Historic Commission expiring on 5/1/17. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation in the amount of \$400 to be used for the Foxboro Recreation's free movie night at Booth Field from Fitness Adventures, LLC. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to approve (10) One Day All Alcohol Licenses on: Thursday, August 11, 2016 from 5:00pm-7:30pm; Thursday, August 18, 2016 from 5:30pm-8:00pm; Sunday, 9/18/16 from 11:00am-1:00pm; Thursday, 9/22/16 from 6:00pm-8:25pm; Sunday, 10/2/16 from 11:00am-1:00pm; **the next four days are subject to change.** Sunday, 10/16/16 from 11:00am – 1:00pm; Sunday, 11/13/16 from 6:00pm-8:30pm; Sunday, 12/4/16 from 11:00am-1:00pm; Sunday, 12/12/16 from 6:00pm-8:30pm; and 12/24/16 from 11:00am-1:00pm for New England Patriots Charitable Foundation. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation in the amount of \$100 from Anonymous for a donation to the Animal Control in memory of Marie Cook. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to accept a gift donation in the amount of \$900 to pay for programs at the Senior Center from the Friends of Foxboro Seniors. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to approve a One Day Beer & Wine License on 9/17/16 from 2:00pm-8:00pm for the Hyde Park Harley Riders Inc. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to approve the renewal of a hackney license expiring on 8/9/18 for Sean Franklin. Seconded by Christopher Mitchell. **Vote 5-0-0**

Motion by Mark Elfman to approve a curfew extension of the Kenny Chesney Concerts on 8/26/16 and 8/27/16 from 11:15pm to 11:40pm. Seconded by Christopher Mitchell.

Mr. Keegan stated that he had spoken with NPS this afternoon, Dan Murphy and he indicated to him that they would prefer to have the curfew extended on 8/26/16 extend to 11:30pm as opposed to 11:40pm but they did respectfully request that it be moved to 11:40pm on 8/27/16 which would be a Saturday night. Friday night would be 11:30pm and Saturday night would be 11:40pm.

Motion by Mark Elfman to approve a curfew extension of the Kenny Chesney concerts extension to 11:30pm on the 8/26/16 concert and an extension to 11:40pm on the 8/27/16 concert. Seconded by Christopher Mitchell.

Ms. Coppola stated that she doesn't agree with this. They had approved a license with the information from the police, fire and Stadium Advisory Committee for 11:15pm ending time and they were assured, Ms. Enos was there last week and she assured them that there would be no problem with 11:15pm that is what they asked for and she really doesn't agree with the extension. She thinks they have to be consistent with regard to the license conditions and she is not in favor of this.

Dr. Elfman stated that they had this discussion before certainly with Guns & Roses and one of the things that came up was that it would be a different case if it was a weekend and this is a weekend, this is Friday and Saturday night and even Ms. Coppola had expressed at one time during that conversation that if it was a weekend it would be an entirely different situation. Ms. Coppola stated it was something she said she would consider and she doesn't consider it because she thinks what this is doing is setting precedence and how many more times are they going to be asking for an extension especially when the concerts in the past have stopped around 11:15pm and they have had no problems. Mr. Mitchell stated that reading the letter it sounded like the first day concert would not go past; it stated that "they had been assured that the end times for all Kenny Chesney concerts on this tour to date have been before 11:15pm" but it sounds like that point at the end he brings his whole crew out because it is the last stop on the tour to thank them.

Mr. Keegan stated that he went back and looked at the report from last year and the first night stopped at 11:22pm on Friday night and the second night stopped at 11:40pm but the reason it stopped later on the Saturday night is because it is the last night of that entire tour and they do bring the entire band out for pictures and things of that nature and it actually extends the show a little bit longer so the same thing is essentially being requested at this time.

Ms. Coppola stated that it is a long day and she reread the report from the application at the last meeting and Chief O'Leary said that this is a difficult concert to manage. At some point you have to go home and in the license conditions that they agreed to on 7/26/16 when they approved the license was for 11:15pm. She is really concerned with setting precedence; if you start making exceptions then all you are doing is making exceptions that is just the road you go down to.

Mr. Feldman asked Mr. Keegan if this had anything to do with the letter that was sent to them. Mr. Keegan stated that one thing they are respecting is if they are going later that they are requesting the additional time that was the one thing that was made clear that if they are going to go later then they need to request that additional time from the Board and they are more or less asking for permission so essentially they are following the process in that regard; they are requesting it before it happens. If it were to be violated after they requested it, it is really on them so at this point the last letter that the Board sent to them indicated to them that it was a warning and that further violations in the future would be met with a fine so what the Board is seeing here reflected tonight is an indication that they are being respectful of that process and if the Board doesn't approve it and it goes beyond that time, that very well will result in a fine. They are asking for permission to go beyond that time at this time.

Ms. Coppola stated that it was approved for 11:15pm with the Stadium Advisory Committee there, with the Police Chief and Fire Chief in the audience and there is no one here right now, there is no one there that might object to it. Mr. Keegan stated that he did check with Mr. Bell, Chairman from the Stadium Advisory Committee and he said his committee was fine with the additional time request. Ms. Coppola stated what about the neighbors. Dr. Elfman stated that it was a weekend. Ms. Coppola stated that there is an expectation that this license was approved for 11:15pm on the 26th and then they come back later on and request a different time. How many times are they going to approve an event down the road for 11:15pm and then they are going to

come back a week or two weeks later and come back and want an extension. Dr. Elfman things changed with their warning and now they have a heads up and they may have to be a little proactive in how they set up their protocols. Ms. Coppola stated that they got the warning letter and they know they are going to be going past 11:15pm so this is assuring them that they are not going to pay the fine. Dr. Elfman stated she doesn't think they went back last year like Mr. Keegan did seeing what happened when there were no fines and there were no warnings and they saw once again after ten years of Kenny Chesney coming to Foxborough that he goes over a little bit and now because of the Board's warning they are being proactive. Ms. Coppola stated they are going to be proactive so from now on whenever there is an expectation of maybe they are going to go beyond the 11:15pm which is the time the Board has for all licensed events they want to make sure so they ask them to tag on another few minutes. If you are going to have a license condition, have a license condition that they abide by not something they angle around by asking for a change a couple of weeks later. Dr. Elfman stated that a month ago Ms. Coppola stated she would consider it if it was a weekend. Ms. Coppola stated that she said she would consider it and she is trying to be consistent. She stated they would consider it for Taylor Swift but they also said they would let them do it but they didn't want to see this again. Dr. Elfman stated that she said she would consider it for Guns & Roses if it was a weekend. Ms. Coppola stated and now here it is in front of them again and they are going to be getting these requests down the road for the rest of this year and next year so why even bother having a license condition if there is going to be a runaround. Mr. Feldman stated he thinks they have to take each case on a case by case situation. Ms. Coppola stated why have a license condition or an expectation of something if they just do exceptions left and right. Once you start going down the road of exceptions, that is it, you have lost control of your licensing. Mr. Feldman stated that they have not lost control of their licensing authority, they sent a strong letter and this is a result of that letter.

Mr. DeVellis stated that his opinion on it is even though he lives close there he is not emotional about this. Is it going to bother him, probably not but at the same time there was an application made and nothing has changed, it is the same concert, it is the same ending, it is the same scenario. People in that neighborhood and public safety, everyone has expectations in his opinion that the application stands for itself and it is approved and he is not in favor of this. It is a business decision that they want to make and if they want to thank people on the show because it is the last one, finish the last set 15 minutes early and then thank them but nothing has changed since the application came in and they approved it until now. It is not unexpected and there is not an emergency situation and he agrees with Ms. Coppola that there is a point where they say here is our rules and regulations if 11:15pm is not late enough then they have to change the rules and regulations but they gave them an out last time because there was a violation and they decided not to fine them and he thought at the very least they would have someone at the table talking to them tonight about this. It is not a "give me", we asked for 15 minutes, give it to us, it is a decision that they made with a letter into them and he doesn't think it has the merit to say they are going to change their policy. It seems like people are getting upset about this but it is a business decision; the permit, application and insurance, everything is set for a certain time and the neighbors do have an expectation and he did get a lot of input from neighbors that they don't complain, they are getting used to it but it is irritating when it goes late so he doesn't think the sky is going to end if they don't get their extension on this, they may decide to do it and look at the dollars and the few thousand dollars may be worth it to them to say thank you to the people

on it but he doesn't want to change the end date on a policy they have for no great reason and he just doesn't see a great reason there.

Mr. Mitchell stated just for clarification purposes, why is this an action item and not an agenda item. Mr. Keegan stated he actually talked to town counsel about this and it is about changing a time of an event and it is not considered a significant change particularly where it is only a few minutes. If they were changing major pieces of the show or something like that, that was really significant, it would in fact be treated as an agenda item or a rehearing of some sort. This amounts to what is known as an unsubstantial change.

Ms. Coppola stated just to make a comment about what Mr. Lawton had said earlier during Citizen's Input, he stated he was frustrated when in years past he has complained and the complaints have fallen on deaf ears and nothing has changed and those are the exact same complaints that she has been getting; people don't call because they feel it doesn't change anything; they are not being heard; they are not being paid attention to. You say you don't get noise complaints and that is why, because people feel it doesn't make any difference, they are not listened to.

Mr. DeVellis stated the other thing is that 11:15pm allows people to finish up, get out and get in their cars and get home without being in their cars well past midnight. 11:40pm means they are on the local roads at 12:30pm-1:00pm which he thinks is an inconvenience for people because even on the weekend people try to get in at a reasonable time and there is noise and there is inconvenience well past midnight.

Vote 3-2-0 with Virginia Coppola and James DeVellis Opposing

Mr. Danau asked which street exactly the 5 poles are on. Dr. Elfman stated Central Street.

Mr. Danau asked when the finalists would be announced for the Police Chief. Mr. Keegan stated that it will be formally announced at the August 23, 2016 meeting. Mr. Danau stated the Board of Selectmen will get to vote on whether or not they like the finalist or not. Mr. Keegan stated what it is, is a confirmatory vote. Mr. Danau asked if the Board veto's that vote then Mr. Keegan would go back to the other three semifinalists in which Mr. Keegan stated yes, he would have to consider the other three. Mr. Danau stated he would consider the other three and wouldn't go back to a wider pool in which Mr. Keegan stated no, he would not go to a wider pool.

Mr. Danau asked when the Opioid Task meeting was in which Mr. Keegan stated August 17, 2016 at 2:00pm and they generally meet at the Library in the Community Room.

Motion by Mark Elfman to adjourn at 9:27pm. Seconded by Christopher Mitchell. **Vote 5-0-0**