

**Executive Session Minutes
January 31, 2011**

**Joint Session of Foxborough Water & Sewer Commissioners and
The Board of Selectmen**

Members in Attendance: Chairman P. Henderson, Vice Chairman M. Stanton, Clerk, W. Euerle, Water and Sewer Superintendent L. Potter, Board of Selectmen Members: Lynda Walsh, Lorraine Brue, Larry Harrington, Paul Mortenson, James DeVellis, Finance Director Randy Scollins, AECOM Bob Bell, Town Counsel Paul DeRensis, Town Manager Kevin Paicos.

The meeting was called to order at 7:30 p.m. in the Gala Meeting Room at the Foxborough Town Hall.

A motion to enter into Executive Session to discuss the purchase, exchange or lease of real property and not to return to regular session was approved by role call vote, W. Euerle – yes, M. Stanton – yes, P. Henderson – yes.

The Board of Selectmen also made a motion to go into Executive Session.

P. Henderson stated that since the last meeting on October 26th with the group, he has only had one conversation with the Patriots. In October, they had offered the town \$358,000 per year for 30 years for the value of the Wastewater Treatment Plant, the leaching fields and the land. The Board has been working with Norton and Mansfield for over three years towards a regional wastewater treatment plant. Dan Murphy had also mentioned an optional discretionary payment of \$42,000 as good will money to get **to the towns request for \$400,000 annually for 30 years in lieu of the sewer plant** which is well above and beyond the value of the plant and leaching. Since October 26th, there was only one more meeting in which Mr. Murphy stated that they were upset with the way the High School Superbowl day was handled by the Board of Selectmen, he hasn't heard back from them since. P. Henderson stated that the Town Manager has said that there have been conversations between Mr. Murphy and others. P. Henderson is the lead negotiator and L. Harrington is the BOS Liaison.

P. Henderson feels that if the Patriots want to talk to the Board of Selectmen about other issues, that's fine, but the agreement needs closure, both for the Board's sake and that of the town. There was an IMA meeting last Thursday, Mansfield and Norton are looking for an answer on whether Foxboro is in or out.

Mr. Paicos stated that the agreement either needs to be signed or the whole process started over, a decision is needed one way or the other. He feels that the Patriots are talking to too many people. P. Henderson stated that he can't control who they talk to. He is wary of starting over with negotiations as he feels the town won't get as good of a deal as they have on the table now.

Mr. Harrington stated that he had a follow-up conversation in regards to the extra \$40,000 with Mr. Murphy; **Mr. Murphy** stated that he was concerned with the thirty year time frame and again complained about the High School Superbowl vote by the BOS. **Mr. Murphy explained that if the Town is asking for something outside the original contract, such as a cash payment in lieu of the sewer plant, the Patriots will need some additional items for compensation, such as additional liquor licenses.**

An email received by Mr. Harrington from Dan Murphy was read into the record; in it Mr. Murphy requests a meeting with a small designated group to discuss a possible structure for the agreement and specific terms along with suggested dates of February 9th, 10th or 14th.

P. Henderson and Mr. Harrington are both in agreement that the agreement for the \$358,000 get signed and forget about the additional monies that **the town requested to get to the \$400,000**. There are issues that need to be resolved before Town Meeting so this agreement needs to get signed.

P. Henderson stated that he is not even cc'd on the email from Mr. Murphy even though he is supposed to be the main contact. In the past, he used to deal with Dan Krantz and now he was told to deal with Dan Murphy.

If the Board of Selectmen would like to negotiate with the Krafts, that would be a separate issue. P. Henderson does not want to see the town miss the opportunity to get into the regional system if this agreement is not signed.

W. Euerle stated that he would be happy with the \$358,000 as he feels the Board is not in a strong negotiating position.

M. Stanton is also in agreement with the \$358,000 amount. The Board has a buy-in amount that needs to be reached and he doesn't want this money to get tied up in extras. This amount is less than what is needed and it will be up to the Board to figure out how to get the rest. He thought this was all worked out in October. If this agreement can't be worked out, he is prepared to pull the whole deal and go into the advertising business for the billboards if that will be in the best interest of the Town. Time is of the essence, the Board needs to step up with Mansfield. There would be no guaranteed income with the signage and the 30b issue still needs to be worked out. He feels that other things cannot be tied into this agreement.

Mr. Harrington summarized that the Board of Water and Sewer needs the \$358,000 deal, any amount above that is through the Board of Selectmen and is not part of this deal.

P. Henderson will contact Dan Murphy to inform him of this.

Mr. Henderson noted that the Krafts have complained that some recent BOS actions have been anti-business and that this is a long time frame to commit to (30 Years) **for something not contractually required**, however, **if they got something in return (liquor licenses) along with ad revenue it might be possible.** Supposedly, Jonathan Kraft signed off on the present offer. Robert Kraft did not.

P. Henderson stated that when this proposal was brought before the Boards in October, he then thought the details would be worked out, he offered to meet with the Patriots to explain about the Regional agreement. They are now asking to see the agreement through the Town Manager, not the Board of Water and Sewer.

Town Manager Mr. Paicos feels that the additional \$42,000 is a separate decision to be made by the Board of Selectmen if that is what they choose to do. The 30b issue will be dealt with at Town Meeting. The RFP could be worded that it will be no less than the current deal plus the additional \$358,000. Mr. Paicos stated that the Krafts have been communicating with a lot of people, members of the BOS, himself, the Board of Water and Sewer, they talk about zoning, the MYA agreement, liquor licenses, etc., not just the present agreement.

Mr. Harrington feels that those topics are different than negotiations.

P. Henderson doesn't want to shut the door on all future negotiations.

W. Euerle feels that **we** only have PR issues to hold over them.

K. Paicos stated that they are negotiating with professionals; this cannot be an amateur operation. This is a good deal that was brought back in October and should be a credit to all involved, but now you are letting them change the agreement. Ground Rules are needed; the negotiators need to have the authority to make a decision like a collective bargaining agreement. The Patriots cannot be allowed to talk to others to see what else they can get.

Selectman Mr. DeVellis feels that the system is broken, the negotiations are all over the place and the town's being taken for a ride, this is a lot of money for the town.

Mr. Paicos does not feel that the town is in a weak position with them; they need many things from the town. Mr. Harrington doesn't agree **and reiterated the contract does not call for a cash payment by the Krafts in lieu of a plant. To get a cash payment may require including all additional issues.** Mr. Paicos countered that local government is not a subordinate to any business, if you allow yourself to be supplicant, this is how they will treat you. It should be viewed as a business partnership.

Selectman Ms. Brue feels that they need to focus on getting this issue done quickly, any extras are a separate issue.

The deal needs to get done in the next ten days to two weeks to get on the warrant for spring Town Meeting.

Town Counsel DeRensis suggests that they get an agreement for the \$358,000 then go on with an either/or strategy, this will be a building block to other pieces. The town needs this piece now but will continue the dialogue on the other issues. Paperwork and procurements need to be done before the May Town Meeting.

P. Henderson is agreeable with Town Counsel's suggestion; he feels the Krafts backed away from what they originally proposed. He is also agreeable with having them talk to the Town Manager, but feels they have no dictate to look at the IMA agreement.

The Krafts will have to come up with a list to be presented to the BOS to decide if they want to deal with them or not for the additional money, but Dan Murphy needs to agree to the \$358,000 first.

Rod Hoffman of the Town Counsel's office, has been working on the RFP.

The Town Manager will call Dan Murphy to get a list for the BOS. He would also like to have a scoping meeting with the negotiating team. An Executive Session will be posted for the next BOS meeting to discuss the list, Water and Sewer members can attend this if they choose. The \$358,000 negotiations need to be done in person, not over the phone or email. Mr. Paicos will also ask to meet with Dan Krantz.

The Executive Session was adjourned at 9:55 p.m.

Respectfully submitted,

Diana Gray



Town Boards Support Town Meeting Article

Patriot Place: A Win for Foxborough!

Patriot Place is a win for Foxborough, and that's why numerous town boards and officials have voted to support a related Town Meeting Article on the Town Meeting Warrant for Monday, May 14.

The Board of Selectmen, Planning Board and Patriot Place Negotiating Committee have all voted to endorse Article 18, the last article on the warrant.

And the Town's Advisory Committee voted 10-3 last week to recommend Town Meeting approval of a home-rule petition to make available to the Selectmen 12 additional liquor licenses that may be sought by restaurants, cafes, and other qualified establishments at Patriot Place- designed as a distinctive and vibrant mixed-use destination of offices, shops, restaurants and other services for the community adjacent to Gillette Stadium.

With approval of Article 18, Patriot Place has agreed to more than \$14.8 million dollars in mitigation benefits to the Town.

In addition to the \$2,000,000 in annual tax revenue to be generated by Patriot Place, Town boards have negotiated a package of additional fiscal benefits to Foxborough, which include:

- \$2,000,000 in major local roadway improvements and pedestrian facilities
- \$2,828,000 in payments to fund Police/Fire and other town services
- \$2,300,000 in additional mitigation payments (over and above inspection costs)
- \$140,000 in public safety design improvements
- • \$7,500,000 in Town water and wastewater improvements
- • \$3,000,000+ in cost savings due to public-private partnership for sewer improvements

**Please attend Town Meeting at 7:30 p.m. on May 14 at
Foxborough High School, stay until the end, and
vote "YES" on Article 18**