

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
MINUTES
December 30, 2013

Members Present: Mark Sullivan, Chairman
Lorraine Brue, Vice Chairman
John Gray, Clerk
Ginny Coppola
James DeVellis

Others Present: Acting Town Manager Bob Cutler
Town Counsel Richard Gellerman
Alex Stolyar, Penn National

The meeting was brought to order at 5:00 p.m. by Mark Sullivan, Chairman. Chairman Sullivan reviewed the agenda.

Application for Change of Manager – 99 Restaurants, 4 Fisher Street

Ron Lima came before the Board as the new Manager at the 99 Restaurants. The Board members reminded Mr. Lima of the town's liquor violation policies and that there are stings conducted throughout the year.

A motion to accept the Change of Manager for the 99 Restaurants to Ronald M. Lima, Jr. was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Racino Agreement

The Board met with Town Counsel Dick Gelerman and Alex Stolyar of Penn National in regards to the Surrounding Community Agreement for the proposed Plainridge Racino. Atty. Gelerman is recommending approval of the agreement. The time to come to an agreement has passed so this matter is technically in arbitration but if the Board votes to accept the agreement tonight then no arbitration will be necessary.

A statement supporting the project is not included in this agreement; included is a \$250,000 escrow fund to mitigate verifiable costs to the town for any social, gambling or crimes as a result of the racino. The escrow fund will be held for two years. The town would first need to go to the state for funding from the Gaming Commission, followed by any grants that are available and then the escrow fund could be used for any remaining costs. Penn National has agreed to replenish any funds used to get the fund back to \$250,000 for the first two years.

If the fund is not used in two years, the fund will be dissolved but Penn National will still be obliged to reimburse the town for any costs incurred after two years for the three issues mentioned. Water and traffic concerns were not included but baseline readings will be taken and studied to see if there are is any harm done after a year. Penn National has agreed to take responsibility for that also but it wouldn't be coming from the escrow account.

The Board members asked about impacts to property values and school enrolment. Atty. Gelerman stated it would not be possible to tie this project to those items. Atty. Gelerman also noted that his fees are being paid by Penn National for work on this agreement.

Mr. Stolyar stated that Penn National would be holding a job fair if they are approved and preference would be given to surrounding communities including Foxboro for jobs and vendors. This is standard practice.

Mr. Gray asked about the baseline for social impacts, how would that be determined. Atty. Gelerman stated that Human Services personnel would be responsible for determining the baseline. Mr. Gray also noted that people would have to seek help in order to be counted and not all affected would do that. Mr. Cutler added that Human Service personnel have statistics on who is helped now and can measure if there are any increases. It was also noted that anyone seeking help from private institutions would not be included.

Mr. Gray asked what amounts the other communities have in escrow. No other surrounding community has an escrow account.

Ms. Brue asked is housing value changes in homes near Plainville could be tracked.

It was asked why the escrow would only be in effect for two years. Atty. Gelerman explained that if the fund is not used in two years Penn National gets their money back but the town will still be protected and covered by Penn National.

Ms. Coppola asked if the town feels that there is a need to hire another social worker five or six years from now if that would be covered. It would be covered if Penn National agrees it is a result of their facility or it could be brought to arbitration.

Mr. DeVellis noted that elements of the other town agreements were included as well as the Board's concerns. He would have liked to see a longer period than two years for the escrow account and notes that the account would not be for personal loss of funds but for staffing for the town such as police and social workers.

He asked about the entertainment. Mr. Stolyar stated that they will have a small lounge of 120 seats so the entertainment will not compete with the stadium or the concert center in Mansfield.

The Board members questioned the workability of the agreement; it is not easy to measure the impact to the town.

Mr. Stolyar stated that any impact that is directly and verifiably attributed to their project would be counted. He also stated that Penn National is a member of the American Gaming Association and they have training programs in place at all their facilities. They are not looking for problem gamblers to use their facilities and they have programs in place to refer people with problems to services available.

Ms. Coppola asked if Penn National ever sold the facility would the agreement still be honored. Atty. Gelerman stated that the agreement is part of the project and not tied to the holder of the project.

Ms. Brue still has concerns with traffic impacts. Mr. Stolyar stated that the traffic consultant will determine if any increase in traffic is from their facility or other nearby ones being proposed.

The traffic consultants have stated that most traffic will come from Routes 495, 1, 152 and 106. The Board is concerned with traffic on the Mirimichi bridge.

Atty. Gelerman noted that if there are any unforeseen tropics that come up, the agreement can be amended if both parties agree.

A motion to approve and enter into the Surrounding Community Agreement between the Town of Foxboro and Springfield Gaming and Redevelopment LLC dated December 30, 2013, in the form presented by Town Counsel, and to authorize the Chairman of the Board of Selectmen to execute such agreement, and any other documents necessary to accomplish the foregoing, on behalf of the Board of Selectmen was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Action Items

The Board reviewed the minutes of November 12, 2013, November 26, 2013 and December 3, 2013.

A motion to approve the minutes of November 12, 2013 and December 3, 2013 as amended was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

The minutes of November 26, 2013 need clarification and will be held to a future meeting.

A request has been received from Kristen Hovey to be changed from a full member to an associate member of the Historical Commission.

A motion to approve Kristen Hovey from Full Member to Associate Member of the Historical Commission was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Lakeview Pavillion has asked for permission for early openings on Saturday and Sundays at 11:00 a.m. for 2014. They have a Dance Hall License which allows them to be opened on limited days.

A motion to allow for an 11:00 a.m. opening on Saturday and Sunday's when functions are being held at the Lakeview Pavillion was made by Mr. Gray and seconded by Mr. DeVellis. The motion carried 5-0-0.

A request has been received from the Green Valley Steakhouse to stay open later on New Year's Eve until 2:00 a.m.

A motion to allow the Green Valley Steakhouse to remain open until 2:00 a.m. on January 1, 2014 with alcohol service ceasing at 12:30 a.m. was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

The Green Valley Steakhouse is also requesting permission to open at 11:00 a.m. during Patriot Games.

A motion to allow the Green Valley Steakhouse to open at 11:00 a.m. on the days when Patriot home games start at 1:00 p.m. was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

The Orpheum Theater is requesting a One Day Beer and Wine License on December 31, 2013 for the New Year's Eve Comedy Event.

A motion to grant the Orpheum Theater a One Day Beer and Wine License on December 31, 2013 was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

The Conservation Commission has received two gifts in order to help get their rental properties in order. One gift is from Oilman Inc. to pump out and remove an oil tank at 87 North Street and the other gift is from Laura Brady donating a refrigerator for the rental house at 120 Spring Street.

A motion to accept the gifts of removal of the oil tank at 87 North Street and a refrigerator for 120 Spring Street with thanks was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A Hackney License Renewal has been received from Cheryl Christie for 2014.

A motion to approve the renewal of the Hackney License for Cheryl Christie for 2014 was made by Mr. Gray and seconded by Ms. Coppola. The motion carried 5-0-0.

Spring Brook Tire and Auto is requesting a Used Car Dealers License Class II.

A motion to approve a Used Car Dealers License Class II for Spring Brook Tire and Auto at 5 Spring Brook Road was made by Mr. Gray and seconded by Ms. Coppola. The motion carried 5-0-0.

East Coast Limousine Service is requesting renewal of seven Limousine Licenses. This is an annual renewal.

A motion to approve the request for seven limousine licenses for East Coast Limousine Services at 51 Elm Street was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Paul Thibeault is requesting renewal of his Hackney License.

A motion to approve the renewal of the Hackney License for Paul Thibeault was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A motion to enter into Executive Session at 6:24 p.m. and to return to regular session to adjourn at the conclusion of the Executive Session was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

The Board returned to regular session at 6:44 p.m.

A motion to adjourn the meeting at 6:45 p.m. was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Respectfully Submitted,

Diana Gray