

SELECTMEN'S MEETING MINUTES
January 8, 2013

Members Present: James DeVellis, Chairman
Mark Sullivan, Vice Chairman
Lorraine Brue, Clerk
Lynda Walsh
Ginny Coppola

Others Present: Town Manager Kevin Paicos
Steven Aucoin
Vicki Lowe of the Senior Center
Bob Russell, Dick Davis and John Michelmore of the Lion's Club
Town Historian Jack Authelet
Atty. Chris Coleman
Xing (Steven) Lin
Special Town Counsel Lou Cassis
Jim Nolan, the Senior Vice President of Operations at NPS
Brian Early, Patriot Place General Manager

The meeting was brought to order at 7:00 p.m. by James DeVellis, Chairman. Chairman DeVellis reviewed the agenda.

Citizen's Input

Chris Mitchell of 9 Spruce Street came before the Board with concerns about the Plainridge Racecourse Racino application and if the town has looked into any abutter impact. Mr. DeVellis stated that he has contacted the Town Administrator of Plainville and the Gaming Commission of the need to consider Foxboro as a surrounding community and has asked the Gaming Commission to come to a Board meeting in February to discuss the impact on Foxboro.

Recognition

The Board recognized Steven Aucoin who won a gold medal in the recent Special Olympics in weightlifting. The Board presented him with a citation and congratulated him on his accomplishment.

Chairman's Update

Mr. DeVellis wished everyone a Happy New Year and stated that the discussion for a possibility for a Saturday Town Meeting will be on the next agenda. The Board had asked for input from the public. The Asset Review Committee is on the agenda for January 22nd. There will be a Special Town Meeting in March.

The Board needs to have a discussion on the Strong Town Manager Act in advance of the Town Manager's contract discussions.

The Police Department is working on getting accreditation.

Discussion on the Grant for Emergency Preparedness and the Human Services Resource Guide

The Board met with Vicki Lowe of the Senior Center. She reviewed some of the grants the department was able to get this year. One was from Mass ALPHA (Assisted Living Housing Association), they were one of only three who received this grant which funded workshop programs such as Internet Information and Resources, The Legalities of Bankruptcy and Foreclosure and workshops for social workers on Dementia and Depression and Professional and Personal Boundaries.

The other item was the Human Services Resource Guide that was prepared with help from the Board of Health and the Police Department. It is available in both written and emailed form so it can be easily updated. It is a directory on where to get services. It was sent to other towns also.

Ms. Lowe works with both seniors and others as a Human Services agent. She did receive a grant which paid for an Emergency Management Outreach Worker to help develop a list of identified people in the community who need help first in an emergency. They also developed an Emergency Management Intake Form and worked with Public Safety on a spreadsheet with all this information. They are working on a delivery system to get information out to the public during an emergency.

Continued Public Hearing – Waxy O’Connor’s Liquor Violation

Ms. Brue read the Public Hearing notice. The Town’s Special Counsel is not available for this meeting and is asking for a continuance.

A motion to continue the Public Hearing to January 22, 2013 at 7:30 p.m. was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

Electric Common Sign

The Board met with Bob Russell, Dick Davis and John Michelmore of the Lion’s Club in regards to the billboard sign on the town common. These are signs that were installed and are maintained by the Lions Club. The Board of Selectmen control what is advertized on the signs. They were installed around eighteen years ago and now the metal on the signs need to be repaired or replaced. The Lions are proposing to replace the metal portion of the signs that contained the letters with electronic signs instead. Mr. Russell distributed a picture of how the sign would look. The brick columns would remain as well as the Foxborough part of the sign. The Lions have been working with DPW Director Roger Hill and put out quotes for prices on electronic signs. They received five quotes and spoke to two of them. The signs will be made in the USA, will be controlled remotely and each sign can have a different message on it.

The cost of the structure is approximately \$20,000 - \$22,000. The Lions will pay \$5,000 - \$6,000 and would like town support for the rest of the cost.

Mr. Hill stated that the DPW workers change the signs right now and that the letters are worn and the supports are warping. It is not easy to get replacements for these items.

This proposal would need to go before the Historical Commission for their approval but the Lions wanted to know how the Board felt about updating the sign.

Ms. Walsh didn't think an electronic sign would be appropriate on the common. Mr. Russell stated that the intensity of the lighting and the timing of the ad changes could be controlled and adjusted.

Ms. Coppola questioned where the funds would come from. Mr. Hill stated that he would look both internally and at Town Meeting for funding.

Mr. Paicos stated that they were only coming forward tonight for an opinion. The next step if it is agreeable is to find the funding.

Mr. Sullivan wanted to know what the power source would be. Mr. Hill stated that it could be put on a generator if power was lost for any amount of time.

Mr. DeVellis thinks the sign changing may be distracting to drivers around the common.

Town Historian Jack Authelet commended the Lions for the work they put into this proposal but this needs to be carefully considered before it is allowed. He would prefer a more passive sign.

The Historical Commission will send the Board a report after they meet with the Lions.

Mr. Paicos noted that there have been studies done on what would be the proper amount of time between ad changes so as to not be a safety issue.

Action Items

Paul Terrio has submitted a request for appointment as Constable.

This is a position that performs Process Serving. The applicants need to produce a bond for this position and some of the funds received go back to the town. Most of the applicant's are Private Investigators. This applicant still needs a CORI form report. No action was taken.

Robert Worthley will be replacing Roger Hill on the Canoe River Aquifer Advisory Committee for a term expiring July 1, 2013.

A motion to approve the appointment of Robert Worthley to the Canoe River Aquifer Advisory Committee was made by Ms. Brue and seconded by Ms. Walsh. **The motion carried 5-0-0.**

The Blue Fin Lounge is requesting permission to serve alcohol at 11:00 a.m. on Sundays that the Patriots play for the rest of the season including playoff and championship games.

A motion to allow the Blue Fin Lounge permission to serve alcohol on Sundays at 11:00 a.m. when the Patriots games start at 1:00 p.m. was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

The Subway restaurant at 29 Washington Street has a new owner, Thomas Gray of TFGrayLLC.

A motion to approve the Common Victuallers Application of TFGrayLLC as the new owner of the Subway Restaurant at 29 Washington Street was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

A donation of \$25,347.22 is being made from the Charles James Fox Monument Gift Fund to the town for the moving of the Charles James Fox monument to a permanent location and maintenance and landscaping of the permanent site.

A motion to accept the gift of \$25,347.22 from the Charles James Fox Monument Gift Fund with gratitude was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

A request has been received from D & N Corporation, Nicholas Panagopoulos to change the name of the restaurant at 2 Washington Street from Christina's to Green Valley Steakhouse and Demetri's.

A motion to approve the name change a 2 Washington Street from Christina's to Green Valley Steakhouse and Demetri's was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

Transfer of Club All Alcohol License from NPS LLC to All Alcohol License for Hong Yi dba Sage Hibachi Steakhouse at 295 Patriot Place, Manager: Xing Zheng Lin

Ms. Brue read the Public Hearing notice.

Atty. Chris Coleman was present representing the applicant, Xing (Steven) Lin who was also present.

This is for a new restaurant at Patriot Place that will be located near the Toby Keith's Bar and the Renaissance Hotel. It will be a family-style hibachi restaurant where all the food is prepared at the customers' tables. This will primarily be a food-service restaurant.

This will be a 7,857 sq ft restaurant with 190 seats inside and 32 seats on the outside patio. Inside there will be 95 hibachi seats, 77 dining room seats and 18 bar seats. The applicant has met with the Police Chief and he has no problems with the application and has submitted a memo this evening.

The hours will be Monday – Saturday from 11:00 a.m. to 1:00 a.m. and Sunday from 12:00 p.m. to 1:00 a.m. There will be no live entertainment but an entertainment license is necessary for the televisions that will be in the establishment.

Mr. Lin is from Pennsylvania where he is the manager of a similar operation but will be moving to the area. He expects to be at the restaurant 40+ hours per week.

The TIPS training course will be conditional of all employees as well as TEAM training.

Atty. Lou Cassis addressed the transfer of the Club Alcohol License to an All Alcohol License. This is a change of classification from a club to a restaurant and is appropriate to do under the authority of the Board of Selectmen.

Jim Nolan, the Senior Vice President of Operations at NPS stated that this license's location was behind the stadium's parking lot and practice facility and was primarily used for hospitality functions. There are three licenses for the whole stadium which include the Hall of Fame and the Pro Shop area. One is for the stadium itself, one is for the Dana Farber Field House and one is for the back of the facility. This license is the third license and was used for hospitality at Revolution games which will now be moved to another area.

Mr. Paicos stated that there was some confusion on the location of the licenses and this may date back to the old stadium. Changes may have occurred on the license uses and locations over the years.

Atty. Cassis stated that each license covers the continuous premises, if you go outside the premises then a separate license is needed, the stadium would still have two licenses to cover the premises.

NPS submitted a memo explaining the difference between a club license and an all alcohol license.

The Board noted that a floorplan of the restaurant be attached to the license and that any changes to the floorplan would need to come back before the Board.

The Board members questioned if the hours should be similar to the other establishments at Patriots Place and if this would put a strain on Public Safety.

Mr. Paicos stated that this is not a bar but more a restaurant and he anticipates it will be a good addition to Patriot's Place by creating Meals Tax Revenue and jobs.

The applicant expects to be open by July.

A motion to close the Public Hearing was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

A motion to approve the transfer of the Club All Alcohol License from NPS LLC at 1 Patriot Place to All Alcohol Restaurant License for Hong Yi, Inc dba Sage Hibachi Steakhouse at 295 Patriot Place with floor plan dated November 3, 2012 as submitted was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

A motion to approve Xing Zheng Lin as Manager was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

A motion to approve the Common Victuallers License for the Sage Hibachi Restaurant was made by Ms. Walsh and seconded by Mr. Sullivan.

A discussion on the hours ensued. Ms. Brue would like the closing to be at 11:00 p.m. to lessen the impact to Public Safety. She stated that the original Public Safety mitigation for Patriot's Place did not include large venues such as Toby Keith's and these establishments add more impacts to Public Safety. Mr. Paicos stated that a memo is being worked on about the Public Safety Impact at Patriot's Place but will not be available until February. Mr. Paicos doubted this establishment will have much impact on Public Safety due to the nature of this restaurant.

Patriot Place General Manager Brian Early stated that the other establishments have a 1:00 a.m. closing on their licenses and it would put this business at a disadvantage to limit their hours. Mr. Paicos read the Davios Liquor License which stated a 1:00 a.m. closing time.

Atty. Coleman stated that the applicant would like the ability to stay open later, and will adjust the hours due to demand.

The motion carried 5-0-0.

A motion to approve a 7 Day Entertainment License for Sage Hibachi Steakhouse was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

The meeting was adjourned at 9:05 p.m.

Respectfully Submitted,

Diana Gray

Lorraine Brue, Clerk