

SELECTMEN'S MEETING MINUTES
July 11, 2013

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

Others Present: Acting Town Manager Bob Cutler
Town Counsel Dick Gelerman and Cindy Amata
Atty. John Davis
Kraft Group Dan Murphy, Atty. Jim Cobrey, Jess Stevenson
Building Commissioner Bill Casbarra
Stadium Advisory Group George Bell

The meeting was brought to order at 7:45 p.m. by Mark Sullivan, Chairman. Chairman Sullivan reviewed the agenda.

A motion to enter into Executive Session at 7:45 p.m. with the intention of returning to regular session thereafter was made by Mr. Gray and seconded by Ms. Brue. **The motion carried 4-0-0.**

The Board returned to regular session at 8:15 p.m.

Indemnity Agreement/Insurance

Atty. Gelerman stated that there is good news to share with the Board. The Kraft group has submitted forms of endorsement that will be acceptable to MIIA. After it is processed, MIIA will lower the deductible. This should be ready for the soccer game this Saturday.

Atty. Davis stated that the language of the MIIA Law Enforcement Policy was inserted into the Great Divide Policy with some minor changes. This will enable the Great Divide Policy to provide Law Enforcement Civil Rights coverage for the Foxboro Police Department at stadium events. There was another issue with the license and the lease; it states that the Krafts are to provide \$2 million per claim with a \$5 million aggregate. The Great Divide policy was for \$1 million per claim with a \$2 million aggregate and the umbrella policy had law enforcement exclusion. It will be rewritten to eliminate the law enforcement exclusion and to get to the \$2 million/\$5 million numbers.

Atty. Davis has shown the proposed policy to MIIA telling them that he feels that the conditions for events at the stadium were satisfied, MIIA concurs and will reduce the deductible to \$7,500 effective this Saturday July 13, 2013.

Minor editing and signatures are all that's needed. Mr. Gray asked if this could be accomplished before Saturday. MIIA will confirm with Mr. Cutler that everything is all

set by email tomorrow. This coverage will then carry over to all other events at the stadium.

Ms. Brue thanked all the Counsels involved, Mr. Cutler, and the Kraft organization for making this happen. The taxpayers will be grateful.

Atty. Cobrey thanked Town Counsel for their work in this also.

Mr. Sullivan thanked all involved.

A motion that the Board having been advised that the applicant has been able to obtain an insurance endorsement(s) in a form acceptable to the Board and that will allow MIIA to reduce the Town's deductible for events at Gillette Stadium from the current \$50,000 per claim to the previous \$7,500 per claim, but that said endorsement(s) and authorization letter have not been executed, but are anticipated to be provided prior to the next scheduled event to be held at Gillette Stadium; the Board votes that the previously approved licenses for the following events:

Bon Jovi Concert on July 20, 2013

Taylor Swift Concerts on July 26 and 27, 2013 and

Kenny Chesney Concerts on August 23 and 24, 2013 may upon receipt by the Interim Town Manager of said endorsement(s) and MIIA authorization letter in form acceptable to him, in reliance upon such advice as he deems appropriate, be released from escrow by the Interim Town Manager and be issued to the Applicant.

And further, that the insurance condition imposed by the Board for the Revolution Soccer schedule license is, upon receipt by the Interim Town Manager of said endorsement(s) and MIIA authorization letter in form acceptable to him, in reliance upon such advice as he deems appropriate, is satisfied.

All said licenses remain subject to all other conditions previously imposed by this Board was made by Mr. Gray and seconded by Ms. Brue. **The motion carried 4-0-0.**

Continued Public Hearing – Bon Jovi Concert – Change of Concert Ending Time

Mr. Gray read the Public Hearing Notice.

The Board met with Jess Stevenson, Dan Murphy and Att. Jim Cobrey of Gillette Stadium. They are asking for an extension to the ending time of the upcoming Bon Jovi concert from 11:15 p.m. to 12:00 a.m. The J. Geils Band is the opening act and would like to perform a larger set since they are a local band. Public Safety has no problem with the later time.

Dan Murphy stated that the AEG promoter came to them with this request. They have worked with AEG for the past five years. There will be sound monitoring and at 11:15 p.m. the sound will be turned down.

Mr. Murphy has spoken with officials in Walpole and a hotline number will be given to Walpole for publication.

Building Commissioner Bill Casbarra has created a fine structure if they go over their time. It is based on the fine structure used at the Comcast Center in Mansfield.

George Bell of the Stadium Advisory Group stated that based on the demographic makeup of concert goers, the fact that it is a Saturday night concert and that liquor sales will stop at the normal time, and that the sound will be lowered at 11:15 his Board voted 11-1 in favor of allowing the extension for this one event.

Mr. Casbarra has been working with Mr. Murphy and Ms. Stevenson on a policy for concerts that go over their allotted time. A discussion on having a cash bond that they would lose if they go over the time has also been discussed. Mr. Casbarra is proposing incentive fines based on the amount of time the concert goes over. Also, if this concert goes over the 12:00 time, no extension requests will ever be granted again.

If there are any complaints, a decibel reader will be used at the point of the complaint.

Ms. Coppola asked how the fines would be enforced if they are not in the bylaws. Mr. Casbarra stated that the fine schedule could be included as a condition of the extension. He feels they should be incorporated into the regulations.

Ms. Brue stated that a Public Hearing would be needed to add the fines as a condition to future concerts.

Mike Saegh of 8 Kendall Drive speaking on behalf of the satellite parking owners stated that they would stay open later during the event.

A motion to close the Public Hearing was made by Mr. Gray and seconded by Ms. Brue. **The motion carried 4-0-0.**

Mr. Gray read the proposed fine schedule:

Less than 5 minutes	up to .05 per attendee
Less than 15 minutes	up to .25 per attendee
Less than 30 minutes	up to .50 per attendee
Less than 45 minutes	up to .75 per attendee
Less than 1 hour	up to \$1.25 per attendee
Over 1 hour	up to \$1.75 per attendee

A motion to adopt for the Bon Jovi Concert event on July 20, 2013 the fine schedule as provided by the Inspections Department and to approve the extension of time of the concert from 11:15 p.m. to 12:00 a.m. was made by Mr. Gray and seconded by Ms. Brue. **The motion carried 4-0-0.**

The meeting was adjourned at 8:46 p.m.

Respectfully Submitted,

Diana Gray

John R. Gray