

*TOWN OF FOXBOROUGH*  
SELECTMEN'S MEETING  
MINUTES  
July 8, 2014

Members Present: Lorraine Brue, Chairman  
Ginny Coppola, Clerk  
James DeVellis  
David Feldman

Members Absent: John Gray, Vice Chairman

Others Present: Town Manager Bill Keegan  
Veterans Agent Mike Johns  
99 Restaurant Manager Ron Lima

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

**BOS Update**

Mr. Coppola and Veterans Agent Mike Johns updated the Board on the Purple Heart Project. This is a day to recognize a specific group of veterans; August 7<sup>th</sup> is Purple Heart Recognition Day, the Board will be meeting on August 5<sup>th</sup> and Ms. Coppola and Mr. Johns would like to recognize all those in Foxboro who have received a Purple Heart. They are glad for the opportunity to recognize this special group of veterans but there is no listing of those who have received a Purple Heart so they are trying to find the recipients through family and friends. Contact Mr. Johns at 508 543-1204 or [mjohns@town.foxborough.ma.us](mailto:mjohns@town.foxborough.ma.us). Mr. Johns noted that the person does not need to be living; they will also honor family members of any recipient.

Ms. Coppola also talked to the Postmaster, there are Purple Heart stamps available at the Post Office and she encourages people to use them during the months of July and August.

Mr. DeVellis asked how many they are expecting for the ceremony. Mr. Johns stated that he knows of at least 10 but it may number as high as 30 to 40. There are only six towns in the state that are recognizing this day.

Mr. Johns stated that any family from Foxboro who is a direct relative of a recipient that lives in another town can also come and receive a certificate.

Mr. Keegan stated that there are Purple Heart license plates available and asked if the Registry has been contacted to see if they could provide a listing. Mr. Johns will check with them. He also stated that there is a black pick-up truck at Town Hall with one of the Purple Heart plates and he would like to talk to that person.

Ms. Brue noted that she and Mr. Keegan met with Dan Murphy of the Kraft Organization to discuss their future plans, etc. She had suggested that BOS members take turns meeting with Mr. Murphy but has been advised by the Advisory Committee that it could be a potential Open Meeting Law violation. Mr. Keegan stated that he has asked the Attorney General and was told that it would not be a problem as long as they all did not discuss the same topic. This would be

difficult to follow so a different approach will be needed. Mr. Murphy will be invited to a future meeting of the Board.

Mr. Keegan stated that the town owned Keating property has been certified and no additional remediation will be required. This clears the property to being tied to the old fire station for a future auction. There were concerns since it was formerly used as a funeral home.

Mr. Keegan stated the Board should consider RFP's for ideas to redevelop town owned parcels. A similar process was used in Franklin recently.

### **Public Hearing – 99 Restaurant, 4 Fisher Street, Alteration of Premises**

Ms. Coppola read a copy of the notice.

The Board met with Manager Ron Lima. He stated that the restaurant will be undergoing renovations which will increase the seating from 174 to 185. They have a license for up to 200 seats.

The building will be painted, some of the four top tables will be converted to six top tables and extra tables for handicapped seating will be installed. Some of the interior walls will be coming down as there is no need for a smoking area anymore. New landscaping will also be installed. After 26 years the building is getting needed upgrades and refreshing.

They will be closed for 3 ½ days from Sunday July 20<sup>th</sup> at 8:00 p.m. to Thursday July 24<sup>th</sup>.

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

A motion that the Board approves the Alteration of Premises for the 99 Restaurant at 4 Fisher Street was made by Ms. Coppola and seconded by Mr. DeVellis. The motion carried 4-0-0.

Mr. Lima noted that they will be having a ribbon cutting on July 24<sup>th</sup> around 5:00 p.m. and the Board members are invited.

### **Open Meeting Law Policy Discussion**

Mr. Keegan has been working on a draft policy to address Open Meeting Law Complaints. He distributed an updated draft to the Board members. He has spoken with the Attorney General's office and was told that not many communities modify the AG office policy.

The Board reviewed the draft policy. A complaint can be filed on either the Atty. General's form or a town form or just a letter. The complaint will be filed with the Town Manager. This triggers a process, the Board(s) involved will be notified and an investigation will commence. A response and a solution will then be filed within seven days of the complaint with the use of Town Counsel as necessary. If additional information is requested, the response time will be extended appropriately.

The findings will then be sent to the AG's office. All Boards will be asked to limit the public discussion during the investigation.

If the complainant is not satisfied, they can file with the AG who will then determine if proper action was taken. The town will cooperate with the AG's office and any findings that are made.

Mr. DeVellis had some additional suggestions. He would like to see a provision for Executive Session discussion and also have all copies sent to the complainant. He would also like to see the complaint acknowledged at the next public meeting of the Board involved with the opinion stated of the Town Manager or Town Counsel and what the cure should be.

He also suggested adding that any additional findings will be at the complainants expense and no town funds be used.

Mr. Feldman would like to see an acknowledgement that a complaint has been filed; mechanics need to be determined on how to do this.

He agrees with the provision that if the decision is appealed, it is at the complainant's expense.

It was noted that the Attorney General will only look at a formal complaint and will not give opinions but will offer guidance with questions.

Board members would also like to add that any changes the AG's office makes to the Open Meeting Law would override this policy.

Ms. Coppola likes that any information is shared among the parties but asked how someone could be compelled to do that.

Mr. DeVellis stated that he meant the findings would be shared with the complainant to streamline the process.

Complaints are filed locally first and if they are not satisfied with the outcome then they file with the Attorney General.

The Board discussed a procedure for asking the complainant for a statement and giving the complainant an opportunity to review the responses.

Ms. Brue thanked the Board and Mr. Keegan for the input; this is a difficult policy to put together but will hopefully help for future issues.

Mr. Keegan stated he will continue working on this.

### **Town Committee Handbook**

Mr. Keegan asked that if the Board members have any sections that need to be updated to please email him the information. Ms. Coppola would like to encourage all committees to put their agendas and minutes on the town website.

The Board would also like to see the handbook on the town website.

### **Town Hall Update**

Mr. Feldman stated that the Town Hall Working Group meetings will be posted on the website.

He updated the Board on the progress of the group. The eight potential sites have been narrowed down to two sites using a weighted matrix to grade each site. The sites will be discussed at the Planning Board meeting on Thursday. Both of the sites are town owned.

He also noted that they identified the need for a town asset maintenance plan as well as a facilities maintenance plan.

The overall size of the building has been reduced from 17,000 sq. ft. to 11,000 – 13,000 sq. ft. by comparing needs versus wants.

Mr. Keegan stated that he has been impressed by the group of people working on this issue and the objective approach that is being used.

Mr. DeVellis asked about the timeline. Mr. Feldman stated that they are hoping to have an RFP for engineering costs and architectural and development plans by September. They are planning on having public outreach sessions in October and November and to have a presentation on the soft costs at Town Meeting in November.

They will be meeting again on July 15<sup>th</sup>.

### **Town Manager Update**

Mr. Keegan attended one of the concerts at the Stadium recently; it was a relatively calm crowd with only 21 arrests. There was late arriving traffic on Route 1, 95 and 495 which was also complicated by a concert at the XFINITY Center in Mansfield. There was one noise complaint but it was not received until after the concert.

The Insurance Safety Committee was recently notified that the town has received a \$40,000 credit on insurance for FY15. Mr. Keegan is impressed with how they are helping to keep the town costs down.

Mr. Keegan has begun the Assistant Town Manager recruitment process, there are already thirty-five applicants and applications will be accepted through the end of the month. He hopes to have someone on board by mid-September.

Mr. Keegan met recently with Congressman Joe Kennedy about local programs and Federal Aid programs. The town hall project may be eligible for a green energy grant. He did ask about the concern with the Amtrak fencing and was told that Amtrak does not install fencing on Right of Ways but the homeowners are encouraged to install their own fencing.

He will be meeting with the Neponset Reservoir Restoration Committee.

He will also be meeting with Rep. Barrows to discuss what's going on at Beacon Hill. He was told that the liquor license provision will be signed by the Governor if it gets to him.

Mr. Keegan has met with the Boards and Committees to discuss Goals and Objectives. Teams for goals will be developed and Mr. Keegan will meet with the teams to discuss specifics on each goal.

Under the Public Safety Goal - The stadium is behind schedule in their construction and the Public Safety Facility has not been permitted yet. This will need to be addressed. The Chief is still working with Brian Early on the plan.

Board members noted that this was a condition for the opening of Splitsville.

Mr. Keegan noted that there have been some staffing challenges with the Police and Fire Departments and some restructuring may be needed in the Fire Department.

Under Community Development – goals will be developed for the Downtown Strategy and Redevelopment as well as the Management of the Conservation properties. He will also be meeting with the Chamber of Commerce.

Under Technology – Mr. Keegan noted that a new IT Director has been hired. A strategy for a town wide technology plan is needed.

Mr. Feldman would like to see municipal aggregation added to this, with electric prices increasing this could help to generate savings. Mr. Keegan noted that the town and school utilities prices are locked in for the next couple of years.

Mr. Keegan will be meeting with the Department Heads next week and will report back any comments received to the Board.

### **Action Items**

Robert Murphy would like to be appointed to the Council on Aging.

A motion to appoint Robert Murphy to the council on Aging for a term expiring May 1, 2017 was made by Ms. Coppola and seconded by Mr. DeVellis. The motion carried 4-0-0.

The Board reviewed the minutes of May 27, 2014 and June 10, 2014.

A motion to approve the minutes of May 27, 2014 was made by Ms. Coppola and seconded by Mr. Feldman. The motion carried 4-0-0.

A motion to approve the minutes of June 10, 2014 was made by Ms. Coppola and seconded by Mr. DeVellis. The motion carried 3-0-1 with Ms. Coppola abstaining as she was not present at the meeting.

Informational items have been received from the Planning Board in regards to a Special Permit and Site Plan Approval application for Gillette Stadium Traffic and Access Improvement Plans and from the Zoning Board in regards to a 40B project off of Community Way entitled Wyman Village. Plans are in the office if any Board member wishes to review them.

A letter received from Ellen Garber was read into the record. She is resigning from the Board of Registrars as it was discovered that she could not be on that Board and the Recreation Board. A new Republican member will be needed for the Board of Registrars.

A new Hackie License has been received for the East Coast Limo Company from Annette Shifres.

A motion to approve the Hackie License for Annette Shifres for the East Coast Limo Company was made by Ms. Coppola and seconded by Ms. Brue. The motion carried 4-0-0.

The 99 Restaurant will be holding a ribbon cutting ceremony on July 24<sup>th</sup> around 5:00 p.m. to celebrate their remodeling and all town officials are invited.

The 99 Restaurant is also requesting a One Day Entertainment License on July 24, 2014 from 4:45 p.m. to 7:30 p.m. for a live DJ and singer.

A motion to approve the One Day Entertainment License for the 99 Restaurant at 4 Fisher Street on July 24, 2014 from 4:45 p.m. to 7:30 p.m. was made by Ms. Coppola and seconded by Mr. Feldman. The motion carried 4-0-0.

The meeting was adjourned at 8:45 p.m.

Respectfully Submitted,

Diana Gray