

**TOWN OF FOXBOROUGH**  
**JOINT MEETING – EXECUTIVE SESSION**  
**MINUTES**  
**May 19, 2011**

Members Present: Larry Harrington, Chairman  
James J. DeVellis, Vice Chairman  
Mark Sullivan, Clerk  
Lorraine Brue  
Lynda Walsh

Others Present: Water & Sewer Commissioners – Bill Euerle, Mike Stanton, Leo Potter  
Water Commissioner, Richard Pacella, Jr.  
Attorney Paul DeRensis and Attorney Rod Hoffman  
Randy Scollins, Finance Director

This was a Joint Meeting with Water & Sewer Commissioners and the Board of Selectmen. The purpose of this meeting was to discuss Real Property Negotiations.

The meeting was brought to order at 7:30 by Larry Harrington, Chairman.

Motion by Lynda Walsh to go into Executive Session to discuss Real Property Negotiations and to exit from Executive Session for the sole purpose of adjournment. Seconded by Mark Sullivan

A brief discussion was held on whether the value of real property is appropriate for discussion in Executive Session. Attorney Hoffman said this meeting was to authorize W&S to enter into a long term real property lease. If the Town Meeting voted to lease real estate, to implement that vote it is appropriate to discuss the value of the real estate. Lorraine Brue disagreed and pointed out that the motion made at Town Meeting was to lease or enter into a long term management contract. She felt that this did not qualify for discussion within the parameters of Executive Session.

<b>Vote: 5-0-0</b>	Larry Harrington, Chairman	Yes
	Jim DeVellis, Vice Chairman	Yes
	Mark Sullivan, Clerk	Yes
	Lorraine Brue	No
	Lynda Walsh	Yes

Motion by Bill Euerle to go into Executive Session to discuss Real Property Negotiations. Seconded by Mike Stanton.

<b>Vote: 3-0-0</b>	Bill Euerle	Yes
	Mike Stanton	Yes
	Leo Potter	Yes

Bill Euerle said the problem W&S Commissioners have is that they are not knowledgeable about bill board leasing or what kind of sign they would like to have put up. He said he would like to see Town Counsel engage someone with real knowledge about leasing signage rights. Larry Harrington said he and Kevin Paicos had met with the Patriots and had a discussion about the value of these types of signs. The values mentioned were in the \$200,000 to \$300,000 range. He said the conversation was pretty straight forward. He explained that the Town would like to have the Patriots working with the Town in a positive way and the Patriots have indicated that they would do that. Larry explained how splitting the revenue from advertising would benefit the Patriots by making up for the increased meals tax and for the Town revenue to proceed with the sewer project. He pointed out that if the Patriots see that the Town is working in good faith, they may bid \$600,000 or give a commitment to make a contribution over the next 26 years of \$300,000 or somewhere above that. Jim DeVellis asked if the additional bill board is included in the RFP.

Bill Euerle said W&S would like to move ahead fairly quickly on this but they really need more advice. He would like to see negotiations continue. Mike Stanton said they need to talk to people in the industry to come up with an RFP that is industry driven. He pointed out that there is a lot more to do such as obtaining any necessary permits, creating an RFP and mechanical things that have to be determined.

Larry Harrington said the Patriots contend that if the Town puts out an RFP that voids the existing contract. Mike Stanton said this is not an adversarial confrontation; they must understand that the Town is constrained by laws of the Commonwealth in procurement. Attorney DeRensis said putting out an RFP does not void the existing contract; the only way that can be done is the Town gives notice to the Patriots. They do not have the right to terminate the contract. He feels that the Town could benefit from hiring a consultant with bill board experience. Larry Harrington suggested hiring a consultant and within 30 days come in with ideas. He said if the Town wants free consulting, the Patriots have said they would be happy to work with W&S and would be willing to give their expertise for free. All were in agreement to hire a consultant and within two weeks come in with recommendations on how to move forward. Attorney DeRensis said that the Patriots view the Town's actions as hostile in some way and the Board and W&S Commissioners should work toward making them understand that is not what is going on. Attorney DeRensis said this is a change of course, doing a bid that would work for the Patriots – that would work into what they are doing. Bringing a consultant may work very well for W&S but the Patriots need to know what is going on. Bill Euerle said that part of prior discussions was to have the Patriot bid on this even when an RFP is out for bid. In further discussion about developing the RFP it was noted that if the BOS approves the list of items the Patriots want considered they might consider giving more or maybe bid higher on the sign revenue. This received a strong negative reaction from Lorraine, Lynda and Mark saying that there can be no action that would appear to be collusion or bid rigging. Mike Stanton directed Attorneys Paul DeRensis and Rod Hoffman to contact on their behalf a consultant knowledgeable in billboard advertising. Larry Harrington said there are four people doing all the meetings, Attorney DeRensis, Kevin Paicos, Randy Scollins and himself. They will continue working with the Patriots toward a compatible solution.

Motion to adjourn by Lynda Walsh. Seconded by Mark Sullivan.

<b>Vote: 4-0-1</b>	Larry Harrington, Chairman	Yes
	Jim DeVellis, Vice Chairman	Yes
	Mark Sullivan, Clerk	Yes
	Lorraine Brue	Abstained
	Lynda Walsh	Yes

Motion to adjourn by Bill Euerle. Seconded by Mike Stanton.

<b>Vote: 3-0-0</b>	Bill Euerle	Yes
	Mike Stanton	Yes
	Leo Potter	Yes

Meeting adjourned at 8:30 p.m.

---

Mark Sullivan, Clerk