

**Executive Session Minutes
Of
The Foxboro Water and Sewer Commissioners
September 7, 2010**

Members in Attendance: Chairman Phillip Henderson, Vice Chairman Michael Stanton, Clerk Bill Euerle, Superintendant Leo Potter, Bob Bell

A motion to enter into Executive Session and not to return to regular session to discuss the purchase, exchange or lease of real property was approved by role call vote, W. Euerle – yes, M. Stanton – yes, P. Henderson – yes.

M. Stanton requested this executive session relating to the Patriot's negotiations. The last group meeting was not very productive and he would like a clarification on values.

The \$358,000 per year amount is a Patriot's number; this is in addition to the sign revenue and is in lieu of the water treatment plant and leaching field.

B. Bell feels this number is higher than his estimated value. An intrinsic value needs to be factored in too. The Patriot's Dan Kranz felt this value should have been \$250,000 per year; he had a 2007 construction quote that was reaffirmed in 2010.

B. Bell's position is that the leaching has a value if the Patriot's want to continue to develop on Route 1, there are no other values that the Board of Water and Sewer Commissioners can give. The Board has a right to the land for the leaching until 2012. It is 6.5 acres of their land that the Assessor's have put a value of \$550,000 per acre on.

The Patriots offered to purchase the two billboards and the signage on the tanks but Town Counsel says that is so much of a change to the MOU that it would trigger the 30B process.

M. Stanton has spoken with Paul Mortensen the BOS to ask him to focus on the values only right now and worry about the process later, he will also talk to Town Counsel.

P. Henderson wants the 30B issue to be put to bed right now with the opinion that was received from Town Counsel.

P. Henderson was directed to negotiate the best deal possible for the Board.

The Board needs to come up with a value for negotiations, the Patriot's have offered \$358,000 per year, P. Henderson feels that should be used as the low number, he is thinking more in the area of \$600,000 per year if you include the value of the land they can now develop instead of building a plant and leaching. B. Bell is leaning more towards \$800,000; the value of the leaching is worth that much in his opinion. The Patriot's wouldn't have to go to the MWRA for their next development.

In 1 ½ years, there is no value as the MOU expires. The negotiations need to be completed.

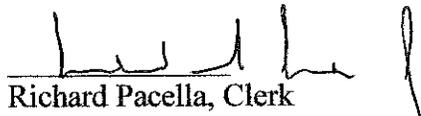
P. Henderson doesn't want to talk about billboards and tank signage with the Patriot's if it will trigger the 30B process. M. Stanton will talk to Town Counsel on this issue.

The Executive Session was adjourned at 8:40 p.m.

Respectfully Submitted,

Diana Gray

These minutes of September 7, 2010 were approved as amended on October 18, 2011.


Richard Pacella, Clerk