

SELECTMEN'S MEETING MINUTES
December 22, 2009

Members Present: Paul Feeney, Chairman
Lynda Walsh, Vice Chairman
Paul Mortenson, Clerk
Lorraine Brue
Larry Harrington

Others Present: Andy Gala, Town Manager
Randy Scollins, Finance Director
Jack Authelet, Town Historian
John Eva, Vice President, Invensys
Dan Murphy, Gillette Stadium
Gordon & Romina Hyde, Waxy O'Connor's
Attorney Patricia Farnsworth, Lawson &
Weltzen, LLP

The meeting was brought to order at 7:00 p.m. by Paul Feeney, Chairman

7:00 – Citizens Input – Jack Authelet introduced Mr. John Eva, Vice President of Invensys. Mr. Eva presented a book to the Town – 100 Years of the Foxboro Company in the Community. He explained that the book is the result of a cooperative effort between Invensys and Jack Authelet. Selectwoman Lynda Walsh accepted the book on behalf of the Town.

7:05 – Public Hearing – Paul Mortenson, Clerk, read the Public Hearing Notice. The purpose of this Public Hearing was to discuss the application submitted by NPS LLC for Bon Jovi – The Circle concert. The concert is scheduled for July 24, 2010 at Gillette Stadium.

Dan Murphy reviewed the application noting that the gates would open at 5:30 PM with the primary event starting at 7:30 PM. He pointed out that this would be the third time this event has been held at the Stadium. The opening act is still to be determined. The Stadium would continue to work with the Board of Health for all food services and would also be working with the Public Safety Department throughout the summer. Paul Feeney noted that the Board has received communication from Chief O'Leary, Fire Chief Hatfield as well as Pauline Clifford, Health Agent recommending approval of this application. George Bell, Stadium Advisory Committee, said the Committee had reviewed and voted to recommend approval.

Motion by Lynda Walsh to close the Public Hearing. Seconded by Paul Mortenson. **Vote: 5-0-0**

Motion by Lynda Walsh to approve the application by NPS LLC for the Bon Jovi – The Circle Concert, scheduled for July 24, 2010 to be held at Gillette Stadium as submitted. Seconded by Paul Mortenson. **Vote: 5-0-0**

7:20 – Public Hearing – Paul Mortenson, Clerk, read the Public Hearing Notice. The purpose of this Public Hearing was to discuss the application submitted by NPS LLC for the Taylor Swift Concert to be held at Gillette Stadium.

Dan Murphy reviewed this application. The concert is scheduled for June 5, 2010 at Gillette Bowl, gates open at 4:30 p.m. and the primary act starting at 6:00 p.m. Dan pointed out that the parking lots would be open at 2:00 p.m. A brief discussion was held relative to arrangements for a drop-off zone and the sale of tickets in advance of approval of the application by the BOS. Letters recommending approval of the application were received from Police Chief O’Leary, Fire Chief Hatfield and Health Agent Pauline Clifford as well as the Stadium Advisory Committee.

Motion by Lynda Walsh to close the Public Hearing. Seconded by Paul Mortenson. **Vote: 5-0-0**

Motion by Lynda Walsh to approve the application for the Taylor Swift-Fearless concert as submitted by NPS LLC. Seconded by Paul Mortenson. **Vote: 5-0-0**

7:35 – Gordon Hyde, Waxy O’Connor’s – Attorney Patricia Farnsworth was present representing Gordon and Romina Hyde, owner and manager of Waxy O’Connor’s. Paul Feeney explained that due to recent publicity regarding reported over-serving of patrons, the Board felt it to be appropriate to discuss the matter openly before taking any action. Chief O’Leary explained that the ABCC used to notify the Town regarding “last call operations” or 24J reports. He will contact the ABCC in this regard. The Chief has met with Mr. Hyde and he feels that the owner and manager are taking the right steps to address this issue. Attorney Farnsworth explained that Waxy’s has received commendations for passing sting operations and all wait staff have received TIPS training. She stated that she could not discuss these allegations as she does not know if they are true or not. She pointed out that Mr. & Mrs. Hyde take these allegations very seriously. There would be an awareness program to which all staff would attend. The program has a special emphasis on the pharmacological effects of alcohol, what signs to look for and any appropriate intervention. Attorney Farnsworth mentioned other measures that would be taken to make “this place work”. It was noted that there has been no violation of the liquor license. Larry Harrington asked Mr. & Mrs. Hyde to work with Chief O’Leary to prepare a summary of what they have gone through as a result of these allegations; he asked that they share this information with other establishments in Town so that they would not get into the same situation. Paul Feeney suggested that the Board review the liquor license regulations in order to clear up any “gray areas” so that everybody would know what is expected. Chief

O'Leary pointed out that there had been an active consortium of license holders in Town known as "Foxboro Cares" and that this might be a good opportunity to come together to come up with a policy that could be community wide.

7:50 – Discussion of Sewer Value & Sign Revenue – A very lengthy discussion was held on whether or not to have a discussion as requested by Lorraine Brue towards developing a consensus recommendation for the BOS to provide to the Board of Water and Sewer negotiating subcommittee. Larry Harrington immediately expressed concern about having a discussion pertaining to the Water & Sewer negotiating subcommittee without having W&S present and involved in such discussions. He pointed out that it is not a BOS issue although he does share the concerns expressed by Lorraine Brue over the sign issue. Paul Feeney thought it appropriate to have this discussion to give ideas to the subcommittee. Lynda Walsh went back to the findings of the 2006 committee chaired by Mark Sullivan that nothing would be done until W&S was comfortable and that the signage revenue belongs in the W&S department. Lynda said that this is not the time to be discussing signage revenue especially without W&S representation in the discussion. Lorraine Brue explained that she felt the Board needed to have this discussion as there should be a consensus as to what the Board feels are important parameters. She respects the authority of the W&S Commissioners but this is one of the most important things happening in Town and she would appreciate having the opportunity to get information before the subcommittee as well as to give Randy Scollins the opportunity to join in the discussion. Larry Harrington said he is not opposed to having the discussion but feels strongly that the W&S Commissioners should be present.

Motion by Lynda Walsh to postpone this discussion until the next meeting or when the W&S Commission would be available. Seconded by Larry Harrington.

Lorraine Brue expressed the desire to have the discussion at this meeting in order to pull together information to give to W&S. She felt this would be an opportunity to talk among the Board members about the information in hand and get any pertinent information from Andy Gala and/or Randy Scollins and to work with W&S to move forward with this negotiation. **Vote: 2-3-0**

Lorraine Brue distributed and read her reasons for having this discussion including a proposed motion:

"Motion that the Board of Selectmen recommend the following agreement parameters as acceptable and in support of the fiduciary obligations of this Board and Town Administration:

Exercise the Town's right to take back 100% of advertising rights, allowing for a best efforts (both parties) transition process and have a competitive bid process managed by the Town Administration.

Enter into discussions to maximize payment of a value in lieu of the Route 1 plant expansion. Payable over time keeping in mind the fact that the Kraft organization advised the town that we would be in receipt of a \$10.5 Million value.

Board of W&S Subcommittee work diligently with the Kraft organization to identify a plan for participation of the developer in the Regional Wastewater treatment program to meet their future needs as NPP has expressed the desire to not be in the WWTF management business (see item #2 above re: ownership transfer)."

Further discussion was held regarding the timing of these discussions and when W&S would be entering into full negotiating discussions with the Kraft organization.

Randy Scollins distributed a spread sheet showing Actual and Estimated Advertising Revenues. These numbers were broken down to 4 Billboards – Actuals from 5/2007 to 5/2010 and Estimated from 6/2010 to 5/2040, and Reuse Tank – 6/2010 to 5/2040 Estimated.

A discussion ensued including questions about the data used to arrive at these numbers, inflation, development on Route 1, advertising on the water tank, possible brokerage fees, etc. It was pointed out that whatever the number is, Water & Sewer already get 50% of that and if the Town takes back the tower, someone would have to be responsible for marketing the advertising space. Lorraine Brue said if the Board should adopt the motion it would become the recommendation to be brought to the subcommittee. She pointed out that taking back 100% of the advertising rights was all part of the negotiations in the Memorandum of Understanding. It is important that W&S understand the magnitude of this revenue source. Larry Harrington suggested that no vote be taken at this meeting and to ask W&S to come in for a full discussion. Randy Scollins pointed out it is important for the W&S and the Board to share the same goals for long term sewer strategies for the Town. This issue has not been fully vetted. He said there are differences of opinion, not necessarily in respect to revenue but in the strategies. Once there is consensus on the strategy then how to fund becomes the question. He said putting one before the other compromises the end achievement. Further discussion was held regarding the timing for BOS meetings with W&S before any substantive negotiations are held between W&S and the Kraft organization.

Motion by Larry Harrington to have the BOS request the Board of Water & Sewer Commissioners to not have any negotiating with NPP LLC until they have a chance to caucus together and understand the negotiations. Seconded by Paul Feeney.

Lynda Walsh expressed concerns about micro managing money that goes to W&S. Lorraine Brue wanted to make sure the BOS has a consensus but she did not feel they had come to any consensus. **Vote: 5-0-0**

ACTION:

Minutes – The Minutes for the Board of Selectmen’s Meeting of December 7, 2009 were reviewed. A brief discussion was held.

Motion by Lynda Walsh to approve the Minutes of December 7, 2009 as corrected. Seconded by Paul Mortenson. **Vote: 5-0-0**

Retainer Services – Received an invoice from Deutsch/Williams in the amount of \$4,083.33 for retainer services.

Motion by Paul Mortenson to approve the invoice from Deutsch/Williams in the amount of \$4,083.88 per retainer agreement for the month of December, 2009. Seconded by Larry Harrington. **Vote: 5-0-0**

Extension of operating hours – Received from CBS Scene Restaurant a request for a one hour extension of operating hours on December 31,2009 from 1:00 a.m. to 2:00 a.m.

Motion by Paul Mortenson to approve the request for a one hour extension of operating hours on December 31, 2009 as submitted by CBS Scene Restaurant. Seconded by Lorraine Brue. **Vote: 5-0-0**

Donation – Received notice from Friends of Foxboro Seniors, Inc. notice of a donation to the Historical Commission Gift Account in the amount of \$250.00.

Motion by Larry Harrington to accept the donation to the Historical Commission Gift Account in the amount of \$250.00 as received from Friends of Foxboro Seniors, Inc. Seconded by Paul Mortenson. **Vote: 5-0-0**

Resignation – Received from Charles Gallagher, Foxboro Police Department notice of his resignation as a member of the Foxboro Committee for Disabled Citizens.

Motion by Paul Mortenson to accept the resignation of Charles Gallagher as a member of the Foxboro Committee for Disabled Citizens as submitted. Seconded by Lorraine Brue. **Vote: 5-0-0**

Warrant for Special State Election – Motion by Lynda Walsh to approve the Warrant for Special State Election as written. Seconded by Paul Mortenson. **Vote: 5-0-0**

Update – Town Asset Review Committee – Received for informational purposes an update from the Town Asset Review Committee. A brief discussion was held.

Marc Resnick, Town Planner – Received notice of a public hearing for Nadia Estates. The plans were available for review.

Town Manager – Received from Andy Gala, Town Manager, a list of 2010 License Renewals. A brief discussion was held.

Motion by Paul Mortenson to approve the License Renewals as submitted by the Town Manager for 27 Common Victuallers Licenses – 27 Non-Alcohol Restaurants, 5 Class I Auto Licenses, 15 Class II Auto Licenses, 1 Class III Auto License, 10 Limousine Licenses and 18 Taxicab Licenses. Seconded by Lynda Walsh.

Vote: 5-0-0

Foxboro Cable Access – Received from Foxboro Cable Access, Inc. a check in the amount of \$1,847.36 to help with legal expenses.

Motion by Paul Mortenson to accept the check from Foxboro Cable Access in the amount of \$1,847.36 as received. Seconded by Lynda Walsh. **Vote: 5-0-0**

OLD/NEW BUSINESS:

Larry Harrington asked whether a meeting had been scheduled with the School Superintendent and all union presidents on the budget deficit situation, to make sure they all see the numbers and to have a dialog on ideas for possible resolutions.

Motion by Lynda Walsh to go into Executive Session to review and approve Executive Session Minutes and to exit for the sole purpose of adjournment. Seconded by Paul Mortenson.

Vote: 5-0-0	Paul Feeney, Chairman	Yes	
	Lynda Walsh, Vice Chairperson	Yes	
	Paul Mortenson, Clerk	Yes	
	Lorraine Brue		Yes
	Larry Harrington	Yes	

Meeting adjourned at 10:45 p.m.

Paul Mortenson, Clerk