

**TOWN OF FOXBOROUGH**  
**Executive Session Minutes**  
**August 24, 2010**

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

Others Present: Phil Henderson, W&S Commissioners Chairman  
Bill Euerle, W&S Commissioners Clerk  
Mike Stanton, W&S Commissioners  
Bob Bell, W&S Commissioners  
Leo Potter, W&S Superintendent  
Attorney Rod Hoffman  
Randy Scollins

The purpose of this Executive Session is to discuss the value and lease or real property as it pertains to the existing MOU.

Phil Henderson said he would like to go forward with discussions with the Patriots on the values of the Wastewater Plant and leaching field. The value put out by the Patriots is \$358,000 per year. Also in the discussions was the purchasing by the Town of 100% of the signage. In discussions with Attorney Hoffman that would trigger the 30B issue. The question was raised as to whether the \$358,000 per year for 30 years is exclusive of the advertising piece. Comments were made relative to buying the other two billboards, taking over all advertising without considering the value of the tank. Attorney Hoffman said this would be a change and would lead into the 30B issue. Paul Mortenson disagreed with Town Counsel Attorney Rod Hoffman's opinion that a change would lead to a 30B issue. It was noted that the \$358,000 number is most likely higher than what it would cost to build the Wastewater tank and leaching fields. The value of the land was also discussed. Approximately \$500.00 per acre. Randy Scollins pointed out that with this payment stream, the Town is just talking about replacing some language and that would not touch any other part of the existing MOU. He talked about the risk in taking over 100% of the advertising.

Phil Henderson pointed out that they have been working for two years trying to establish a value on these things. The Town is committed to the Regional plan. He said he needs to see a favorable number and something he can go forward with. Mike Stanton pointed out that this is not a "plant for a plant" situation. The Town is going to need \$9M to just get the infrastructure going for the regional plant. It was pointed out that the payment from the Patriots would be consistent with the expectations of the Town. Randy Scollins explained that in his opinion a payment of approximately \$400,000 per year is a certainty without the "what ifs" of advertising and that this is a good thing for the W&S Enterprise.

Further discussion was held regarding the numbers put forth by the Patriots, negotiation on the leaching field and further input from the ad hoc committee.

Motion by Jim DeVellis to support the Water & Sewer Commissioners and their work group as stated with representation of the various Boards and Departments previously set up, to enter into negotiations on the existing sign revenue and sewer treatment plant contract. Seconded by Lynda Walsh.

Motion by Larry Harrington to amend the motion to add the ad hoc committee to meet and report back to the BOS before going into negotiations. Seconded by Jim DeVellis.

**Vote on the motion as amended: 3-2-0**

Lynda Walsh, Chairman	Yes
Larry Harrington, Vice Chair	Yes
Jim DeVellis, Clerk	Yes

Lorraine Brue	No
Paul Mortenson	No

A brief discussion ensued relative to the release of Executive Session minutes. Paul Mortenson asked how the release of the minutes listed could possibly impact the values involved in negotiations. He pointed out that there is not a problem with 30B issues. He disagreed with the opinion of Town Counsel in this regard.

Motion by Phil Henderson to exit W&S Executive Session for the sole purpose of adjournment. Seconded by Bill Euerle.

<b>Vote: 3-0-0</b>	Phil Henderson, Chairman	Yes
	Bill Euerle, Clerk	Yes
	Mike Stanton	Yes

Motion by Paul Mortenson to release Executive Session minutes as requested. Seconded by Lorraine Brue.

<b>Vote: 1-4-0</b>	Lynda Walsh, Chairman	No
	Larry Harrington, Vice Chair	No
	Jim DeVellis, Clerk	No
	Lorraine Brue	No
	Paul Mortenson	Yes

Motion by Larry Harrington to exit Executive Session to go into the regularly scheduled open BOS Meeting. Seconded by Jim DeVellis

<b>Vote: 5-0-0</b>	Lynda Walsh, Chairman	Yes
	Larry Harrington, Vice Chair	Yes
	Jim DeVellis, Clerk	Yes
	Lorraine Brue	Yes
	Paul Mortenson	Yes

Meeting adjourned at 7:00 p.m.

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Jim DeVellis, Clerk