

**Tuesday, August 21, 2018
Board of Selectmen's Meeting
Foxborough Town Hall
Andrew Gala Meeting Room
7:00 p.m.**

Members present: Chris Mitchell, Chair
Mark Elfman, Vice Chair
Leah Gibson, Clerk
David Feldman

Members Absent: James DeVellis

Others present: William Keegan, Jr., Town Manager
Mary Beth Bernard, Assistant Town Manager
Michael Johns, Veterans Services Director
Kathleen Connolly, Town Counsel
Amanda Smith, Community Information Specialist

Minutes generated by Amanda Smith

C. Mitchell called the meeting to order at 7:00 p.m.

1. Citizen's Input

No citizens came before the Board for Citizen's Input.

2. Public Hearing - Kraft Sports and Entertainment LLC / Kenny Chesney Concerts

Documents: Event application; SAC Review Report;

L. Gibson read the public hearing notice into the record.

Jess Enos, Gillette Stadium, and Randy Briggs, Stadium Advisory Committee, came before the BOS for approval of event license for Kenny Chesney concerts this upcoming weekend. J. Enos said the Stadium is expecting 50,000 attendees on Friday and 53,000 attendees on Saturday. She said they are requesting a parking lot open time of 1pm, but defer to public safety officials. She said the gates will open at 4 and the show starts at 5. She told the Board this is the final stop on the tour and has spoken with representatives of other venues who have said the show has been very prompt and ending before 11pm; at approx. 10:50pm. She said the Stadium has evolved the safety protocols today based on lessons learned in past years. J. Enos said the application was reviewed by Police and Fire and is fully-supported by both. She added that this weekend will make 1 million tickets sold at this venue alone; impressive.

D. Feldman said he was fortunate to go last year; it was a great show. He added that he heard on No Shoes Radio that Kenny is excited to come to Foxborough and calls it his home. C. Mitchell asked if the pre-concert fan festival area has been done before; J. Enos said yes and said it is only in Lot 4A; it is a radio show-driven event. She said there will be a brand bus by blue Chair Bay (a concert sponsor) set up but there will no food or beverage served. L. Gibson asked about the communication plan for parking lot time opening and J. Enos said there have been direct communications through Ticketmaster where they purchased tickets. She said the Stadium still works with radio stations for this show to push messages out and the Stadium will use social media platforms. She added that parking lot time opening changes are a public safety decision so it is made in real time.

There were no public comments.

Motion to Close the Public Hearing made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 4-0-0

Motion to Approve license application made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 4-0-0

3. Public Hearing - NPS LLC d/b/a Gillette Stadium / Alteration of Premises

Documents: Alteration of Premises application; public hearing notice; legal advertisement

L. Gibson read the public hearing notice into the record.

Attorney Steven Miller and James J. Nolan, Gillette Stadium, came before the Board. S. Miller described the existing layout of the property and how they have conducted business with 1-day licenses in the past for previous events held on site. J. Nolan said they have operated under existing umbrella (licensed footprint) 15-20 times. S. Miller said there have been no reported issues in these areas. J. Nolan said their fully-trained staff are aware of all alcohol regulations. L. Gibson asked for clarification on the area and J. Nolan said the area has been activated in the past under 1-day licenses and has been done so with Foxborough Police. He said food and drink would be served within the fenced area. C. Mitchell asked if using a temporary fence and J. Nolan confirmed. C. Mitchell said he met with Dan Murphy to see the area and talk it through and he said he spoke with Chief Baker and Sgt. Noonan to get their take. C. Mitchell said Police had no issues or concerns with this area. C. Mitchell said he feels comfortable with this application. D. Feldman said he is familiar with the area and that this makes sense for the Stadium since they were coming for 1-day licenses regularly in the past.

No public comments.

Motion to Close the Public Hearing made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 4-0-0

Motion to Approve the Alteration of Premises as proposed made by L. Gibson, motion made second by M. Elfman

Discussion: D. Feldman suggested a condition that when food and alcohol is served that fencing is used. Include in license. C. Mitchell asked to clarify which events this would be for. J. Nolan said right now only for football games and events done in the past; not for concerts. Would still need to meet with Chief Baker as normal protocol prior to events.

Final Resolution: Motion Carries 4-0-0

4. Patriot Place - Whole House Group, LLC d/b/a Battle Road Brewing Company - 1-Day Wine & Malt Licenses and Discussion

Documents: 1-day license application for multiple dates

Brian Earley, Ashley Hanson, Kristen Scanlon and Greg Hill came before the Board. B. Earley, General Manager of Patriot Place, said they were before the Board for administrative approval of multiple 1-day Wine & Malt licenses in the Town at Patriot Place. B. Earley said a brewery tasting room concept is a growing trend that Patriot Place has been keeping an eye on and have ear-marked the former Life is Good retail space for this as a future endeavor. He said he loved the Tap-Room model for its low-intensity consumption concept and would have an opportunity for take-in or delivery of food. This would also present an opportunity for restaurant takeovers; contributing to business at existing restaurants at Patriot Place. G. Hill said there would be a

connection to the local community as in other locations, including fundraisers and charitable events hosted at tasting rooms/tap rooms. G. Hill told the Board Battle Road Brewing has been open in Maynard since 2012. He said the plan would be to begin construction January/February for brewery in the vacant Life is Good space and would make a comprehensive presentation of the build-out at a later date when seeking approval from the Board. He said they will not need a new license; will need approval to operate under existing license.

G. Hill recapped the story of Battle Road Brewing and the tap-room concept that has taken them to Foxborough. He said he is excited to be in this community and happy to have been a part of the fabric of the Maynard Community. He told the Board he is excited about the opportunity and this community; a great place to be.

D. Feldman asked if the multiple applications for 1-day licenses would serve as an interim step; B. Earley said yes. D. Feldman then asked for clarification of operating under the existing farmer/brewers license held by Battle Road Brewing. Attorney Scanlon described the process of obtaining a license for this tap-room and that this concept has been a growing trend in the State. Attorney Scanlon said they would start with the State License for the Farmer/Brewer Permit and then come to the Board for the pouring permit. She said she spoke with Attorney Deluca about what the law mandates and both are in agreement of the described process.

M. Elfman asked why a beer & wine license wouldn't work. Attorney Scanlon explained the legislation and distinction. L. Gibson asked about their overlap with game days and if anticipation was given that it wouldn't be the normal crowd as on day-to-day. G. Hill said the concept is far different from the normal bar and does not lend itself to be a more hectic environment. L. Gibson asked for distinction on retails sales; G. Hill added that sales are not allowed on 1-day licenses. G. Hill said this would be part of a future conversation when they come back before the Board. C. Mitchell asked the applicants to walk the Board through the end of the (30) 1-day period to build-out. G. Hill said if moving along in permitting process, they would have 2.5-5 barrel system built. Attorney Scanlon explained further about the approval process and estimated timeframes within that process. C. Mitchell asked about staffing levels on game days and non-game days. A. Hanson said there would be 3-4 bartenders (counter service) given the design and would likely increase staffing per game day. L. Gibson asked about age restrictions getting into the building; G. Hill said the age verification happens at the time of sale. He said they want this to be a family experience and are looking into non-alcoholic options. B. Keegan reiterated the tasting license is based around what is brewed on site and is limited to what is offered; all they can serve. He added only offering 5 and 10-ounce pours.

M. Elfman asked to further confirm what is happening during these 1-day licenses and going through the TTB process. D. Feldman asked about feedback from on-site restaurants. B. Earley said other restaurants like the idea of this business because it is inclusive of the restaurants by working together. B. Earley said he spoke with Pauline with Board of Health and said she is excited to see how this works.

Motion to Approve the (30) 1-day wine & malt licenses made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 4-0-0

5. Continued Public Hearing - Nirvi Inc. / Change of Manager, Pledge and Transfer of All Alcohol License Transfer

B. Keegan said the applicant needs an additional 30-day extension as they are negotiating the sale of the property. He said this is the second request to extend made by the applicant and they are asking the Board to continue the public hearing to September 18th BOS meeting.

Motion to Continue Public Hearing to the 9/18/18 BOS meeting made by L. Gibson, motion made second by M. Elfman

Discussion: M. Elfman asked if the present manager is still running it; B. Keegan said he believes the business is not open at this time. C. Mitchell asked if the business is no longer operational and if so, how long they can hold the license. B. Keegan said that is under the discretion of the Board as they can call in the license. L. Gibson called out the two pieces of the business; the restaurant and the wedding venue. C. Mitchell asked for clarification with respect to the applicant's status and who is currently the manager of record.

Final Resolution: Motion Carries 4-0-0

6. Introduce new Council on Aging/Human Services Director, Marc Craig

B. Keegan introduced Marc Craig to the Board and shared a bit of his background with the Town of Randolph. Marc Craig explained a bit about his last seven years in Randolph to the Board and said he is excited to work with this community. M. Craig said he enjoyed meeting everyone today. M. Craig explained his experience growing programs for seniors in Randolph; including extending hours and Senior Olympic weeks that saw an increase in male seniors visiting and attending programs at the Senior Center. He said he foresees outreach to the Community increasing; he has already started drafting a new newsletter to send out to the Town. C. Mitchell asked how he feels after today's visit. M. Craig said he is more excited having come to visit and there is an increased level of comfort. He sees that people love what they do at the Senior Center. D. Feldman said he spoke with people in Randolph he knows who said they are disappointed to be losing Marc and that Foxborough is very fortunate to have him on board in Town. C. Mitchell added that all three candidates in the final round of selection were great; B. Keegan added that a good representation of Friends of Foxboro Seniors and COA group were part of the process. M. Bernard said there were 81 applicants; M. Craig came to the top. M. Craig told the Board again he is excited.

7. Change of Manager - VFW Foxborough #2626

Documents: Application for change of manager

Warren Wright and Angelina Ford came before the Board requesting to change the bar manager to Angelina Ford. L. Gibson asked A. Ford about her experience managing bars in the past. A. Ford said she worked in restaurant management for Melting Pot at three different locations. A. Ford said she has not been listed on a liquor license prior to this but has experience operating as management in restaurants. W. Wright added Angelina is his daughter.

Motion to Approve Change of Manager made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 4-0-0

8. Senator Paul Feeney and Representative Jay Barrows - Update on the District

Senator Paul Feeney came before the Board; told the Board Representative Barrows could not attend this evening. Senator Feeney said it has been 9 months since he was sworn into the Senate and he wanted to talk about the highlights in the community. He thanked his predecessor and his partner Jay Barrows for his incredible local efforts. He said formal sessions ended July 31st; a lot got done. Senator Feeney told the Board there has been a great Foxborough victory; able to get \$50,000 earmarked for emergency generators at N. Carl Anon Court and Centennial Court. He said he is awaiting the appropriation from administration. C. Mitchell asked the Town to start coordinating with Housing Authority to get the ball rolling on our end so the generators can be installed prior to weather events. D. Feldman asked if the Town can front the money knowing that it is reimbursable. B. Keegan said the Town would have to get an appropriation to do that; potentially a liability on the Town. Senator Feeney said they would continue to keep the Board updated regarding the funds and will keep pressing for appropriation. Senator Feeney said there was a second iteration of an opioid substance abuse bill brought this year in an effort to curb the epidemic; hoping to invest in long-term treatment facilities. He

said they were able to pass the Bill and provide help through the prescription monitoring system and encouraging insurance coverage of other pain management options. Senator Feeney said the Brave Act was passed this year; Senator Rush pulled it together. He said they passed the Healthy Youth Bill that pushes the age of tobacco purchase up to 21 years old in the State.

Senator Feeney added that the CSX train lines in Foxborough are a work in progress. He emphasized to everyone that he is available to all members of the community with questions and concerns; he has local office hours at COA and at Boyden Library. C. Mitchell asked if he helped with the Fire Truck Grant. Senator Feeney said he did not have to help them with this; the Fire Department did great work with Congressman Kennedy on this effort.

9. New Liquor License - Vote to Approve Updated Language H4768 - Hops N Grapes Liquor License Documents: Act H4768 Foxborough Liquor Language

B. Keegan explained the amended language in H4768 and that the changes require approval by the Board of Selectmen. D. Feldman said the funds in question go directly to the Economic Development Committee and not to the Town. B. Keegan added that Town Counsel recommended approving the updated language as presented to the Board this evening.

Motion to Approve the updated language of H4768 made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 4-0-0

10. BOS Accept Grant for New Fire Truck

M. Kelleher came to the table before the Board and said the Fire Department was awarded a federal grant for approximately \$810,000 for a new ladder truck. He added they are very fortunate to receive this and he worked with a great team to pull together the grant application. B. Keegan said the FD has received almost \$2 million in grants to date in recent years. C. Mitchell asked Senator Feeney to pass on thanks. M. Kelleher said the Fire Department hopes to purchase the new aerial ladder truck before the original goal of 2020.

Motion to Accept Federal Grant for \$809,524 for New Fire Truck from FEMA by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 4-0-0

11. Discussion - NRRC / Neponset Reservoir PSS Update

Rick Lewis came before the Board with members of the NRRC and a representative of the Foxborough Conservation Commission. R. Lewis said the NRRC's LSP may not be able to attend the BOS meeting this evening. M. Elfman said the goal was for the LSP to bring the Board up to date. M. Elfman said there was discussion to reach out to Schneider to come up with a plan so everyone wins. Cindy of the NRRC gave a presentation about the plan to work with Schneider. She told the Board the intent was for this to be an influential presentation at a future date with executives to work toward a success story that compliments the work already done by the NRRC. She said the presentation is aimed at echoing the green initiatives already exercised by Schneider Electric; highlights the skills within the NRRC. She said this would allow all three organizations to come together to build a safer community and to use messaging already existing on Schneider Electric Site. Cindy said if not done, metals will always be there and will be exposed to certain risks in the future; negative publicity. She then spoke about downstream impacts as headwater source to Neponset River. Cindy concluded and said all parties need to understand what is going on with the cadmium; the data is on their side.

M. Elfman added that the public comment period was successfully extended to November 2, 2018 thanks to Town Counsel. K. Connolly said the regional general counsel for MassDEP reached out to Town Counsel with dates to meet next week if available. L. Gibson said the Town should have an LSP or an expert review the data and reports prior to meeting with MassDEP to know what to ask. K. Connolly said the Town can use the same LSP as NRRC or review their report prior to meeting if the Board wants to go that route. C. Mitchell asked if the NRRC had received the report from their LSP yet, and R. Lewis said not yet. M. Elfman suggested Paul come to the September 6th BOS meeting.

LSP, Paul McManus, arrived to the meeting; introduced himself to the Board as the President of Ecotec, Inc.; an LSP and Professional Wetland Scientist. He told the Board he is currently reading through materials; including the Draft PSS and some background materials. P. McManus asked what the Town is looking for his help to do. D. Feldman said what is proposed is not a permanent solution from the Town's perspective and the Town would want to partner with the stakeholders to come up with a true permanent solution that is acceptable to everyone. P. McManus said he expects a few versions of his findings but suggested to the Board to determine how review of his comments/revisions might work. C. Mitchell said with this being the public comment period to focus on providing public comment before the deadline. P. McManus said he envisioned reviewing the PSS against the MCP requirements for a true PSS and identifying where and why it does not meet the requirements. He told the Board that under the MCP, a site can stay under a Temporary Solution indefinitely; as the site currently stands during this public comment period.

12. Selectmen's Update

C. Mitchell thanked the Jaycees and Public Safety for Community Service Night Out. C. Mitchell said the new ADA picnic tables are up on the Common now and offered thanks to all involved. He also thanked the Jaycees for the Concerts on the Common that just wrapped up for the season.

13. Town Manager's Update

B. Keegan spoke about the new FCBC newsletter; 1st one came out this week. He said the group focuses on redevelopment of the Downtown Area and the newsletter provided information about upcoming efforts and news in Town. C. Mitchell asked how it would be shared; L. Gibson said the group has a Facebook page and they are working on a website. B. Keegan said there was a discussion today about expanding the holiday celebrations in the Downtown Area, to be done in cooperation with Foxborough Recreation and local businesses.

B. Keegan said the Town has been working on scaling back the Town Warrant for STM. He said the CIP met today about the new fire truck and the Burrell School and that the CIP recommended both projects.

14. Assistant Town Manager's Update

M. Bernard updated the Board on the current employment processes. M. Bernard said the Town extended an offer to Communications Manager at Public Safety Building today. C. Mitchell asked what happens when the Town goes to regional dispatch. M. Bernard said the applicant is aware the regional dispatch position is not guaranteed; all employees at will. M. Bernard said the applicant knows and is excited for this to be supervisory experience. M. Bernard said the Town received 210 applicants for the Building Department Administrator position; hope to have a couple weeks overlap with new applicant to shadow Val and help in the transition. She said the AdCom minute taker position is still available to apply on the Town website and the Town is recruiting Police officers now. She said the Town closed two positions today; Library Page and IT Business Analyst. M. Bernard said she has been working to wrap up contract negotiations with the STM on October 1st. M. Bernard read through the updated draft list of articles for STM Warrant and suggested executive session meetings to discuss contract items in advance of AdCom meeting on September 5th to give BOS information to review.

15. Action Items

15.01 Appointment of Amy Berdos to the Capital Improvement Planning Committee for a 1-year term to expire 5/1/19

B. Keegan told the Board that no action is required for this appointment after confirming with Town Counsel as the Superintendent is automatically part of the committee by virtue of the position.

15.02 Reappointment of Town Boards and Committee Members with terms expiring 6/30/19 and 9/8/21

Documents: Reappointment spreadsheet

Motion to Reappoint Town Boards and Committee Members made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 4-0-0

15.03 Historical Commission - Acceptance of Gift Donation of \$126.23 to the Foxborough Historical Commission from book sales

Documents: Gift donation form

Motion to Accept Gift Donation made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 4-0-0

15.04 Jake N JOES - Approval of extended closing hours on Saturday, 10/6/18 to 2:00 a.m. for the McGregor fight

Documents: Letter of Request to BOS

Motion to Approve extension of closing hours on Saturday, 10/6/18 made by L. Gibson, motion made second by M. Elfman

Discussion: M. Elfman asked to confirm no food or alcohol service beyond regular times. B. Keegan confirmed.

Final Resolution: Motion Carries 4-0-0

15.05 Jake N JOES - Approval of Sunday Early Openings of 11am for New England Patriots Home Games 9/9/18, 9/30/18, 12/23/18 and 12/30/18. Dates may change due to flex schedule.

Documents: Letter of Request to BOS

Motion to Approve Sunday Early Openings made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 4-0-0

15.06 Splitsville- Approval of early liquor license extension request of 10:00 a.m. for New England Patriots Sunday home games on 9/9/18, 9/30/18, 12/23/18 and 12/30/18

Documents: Letter of Request to BOS

Motion to Approve Sunday Early Openings made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 4-0-0

15.07 Saga Steakhouse- Approval of early liquor license extension request of 11:00 a.m. on Sundays during the Gillette Stadium football season

Documents: Letter of Request to BOS

Motion to Approve Sunday Early Openings made by L. Gibson, motion made second by M. Elfman

Discussion: B. Keegan suggested the Board approve for same dates as other requests made. Motion amended to include dates. C. Mitchell asked to confirm the time is 11:00am opening.

Final Resolution: Motion Carries 4-0-0

16. Adjourn

Motion to adjourn at 9:39 p.m. made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 4-0-0