

**SELECTMEN'S MEETING MINUTES**  
**April 27, 2010**

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

Others Present: Sandra Herrmann, Administrative Assistant  
Randy Scollins, Finance Director  
Edward Lawton, 70 North St., Agricultural Commission  
Luis Lopes, Southeastern Regional  
Dan Iagatta, Foxborough Rep. Southeastern Regional  
Fire Chief Roger Hatfield  
Attorney Joseph Devlin, East Coast Restaurants, Inc.  
Bar Louie Tavern  
Rob Hovis, Manager  
Attorney John Twohig, Toby Keith's I Love this Bar & Grill  
Attorney Peter Epstein, Cable TV Advisory Committee  
Robert Boette, Conservation Commission Chairman

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

**7:00 – Citizen's Input** – Sandra Herrmann presented Jack Authelet with the first copy of the 2009 Annual Town Report dedicated to him for his years of volunteer service and leadership to the Town of Foxborough. Sandra thanked Jack for his years of helping with the Town Report, his quiet manner and professionalism in all that he has done for the Town.

Ed Lawton, 70 North Street, came before the Board to seeking support for Article 16, to Establish an Agricultural Commission. He said this is a good way to identify the Community as an agricultural community and to promote agriculture in Foxborough. A brief discussion was held.

Motion by Larry Harrington to support Article 16 on the 2010 Annual Town Meeting Warrant as written. Seconded by Paul Mortenson. **Vote: 5-0-0**

Paul Mortenson, speaking as a citizen, said there had recently been a considerable amount of energy spent casting a negative light on Paul Feeney. He has personally observed Paul to be honest, fair and dedicated to the Town. He felt Paul had been unfairly maligned. Larry Harrington pointed out that the BOS meeting was not the place to voice political opinions. Paul Mortenson said he was not endorsing a candidate but wanted to offer some insight as to the character of the candidate. Several objections were voiced by the audience as to the inappropriateness of Paul Mortenson's remarks. Similar objections were made by

Board members. Paul Feeney pointed out that any member has the right to object at any time. He would have turned the meeting over to the next in line but that Board member is also campaigning for re-election. Loraine Brue pointed out that this concerns a technical issue and she wants the Town's people that the BOS takes ethics violations very seriously and that there is a continuing investigation. Paul Feeney said this is an issue to be discussed in executive session or at least brought up for discussion as a precursor to executive session. He said he would not allow this meeting to evolve into a political discussion.

7:05 – Southeastern Regional Budget – Luis Lopes, Superintendent, came before the Board to present the 2010-2011 Preliminary Budget for Southeastern Regional School District. He gave a brief summary of the budget process and the number of students enrolled – 29 from Foxborough. The total Budget is \$20,437,639. He said the assessment for the Town of Foxborough is \$300,556 including a reduction of \$10,600.00 from the Excess & Deficiency account. A brief discussion ensued. Dan Iagetta spoke about steps taken by Superintendent Lopes to cut down on expenses. He noted in particular that the 2:30 p.m. busses had been eliminated by extending the school day by two extra periods ending at 4:00 p.m. Students and parents responded positively to this change.

**7:30 – Discussion of EMS & Ambulance Receipts** – Chief Hatfield said his Department is doing very well regarding ambulance receipts funds. There are more calls for EMS than Fire calls. EMS provides a revenue source that comes into the community. He needs to be sure he has enough funds to purchase an ambulance. The flow chart gives a clear message as to the ability of his Department to share costs between EMS and Fire and allows the community to see what type of services are being provided.

A brief discussion was held regarding the number of personnel responding to calls, how approximately \$600,000 is distributed - \$200,000 going to capital expenditures and \$400,000 is used to offset the cost of providing services, approximate cost of ambulances going to hospitals in the area and an explanation of the reasons why both an ambulance and fire truck are sent out on the same call.

**7:45 – Public Hearing - Pledge License and Inventory for Bar Louie** – Paul Mortenson read the Public Hearing Notice. The purpose of this public hearing is to discuss an application and pledge of license and inventory for an Annual All Alcohol Restaurant License for East Coast Restaurants, Inc., D/B/A, Bar Louie Tavern and Grill, 232 Patriot Place, Foxborough. Manager Joshua Ferraro.

Attorney Joseph H. Devlin was present to answer questions from the Board relative to this application and pledge. He gave a brief background on the Bar Louie Restaurants. He said his client East Coast Restaurants, Inc. wanted to proceed with approval of the Pledge as they wanted to make sure the

\$23,000,000.00 was secure in case the borrower defaults. A brief discussion was held.

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 and Pledge of License and Inventory as submitted by East Coast Restaurants, Inc., D/B/A Bar Louie Tavern & Grill, 232 Patriot Place, Foxborough, Manager Joshua Ferraro. Seconded by Larry Harrington. **Vote: 5-0-0**

**8:00 – Public Hearing – Transfer of All Alcohol License** - Paul Mortenson read the Public Hearing Notice. The purpose of this Public Hearing is to discuss an application for Transfer of Annual All Alcohol Restaurant License from East Coast Restaurants D/B/A Bar Louie Tavern and Grill, 232 Patriot Place, Foxborough, to BL Restaurant Operations, LLC D/B/A Bar Louie Tavern and Grill and Change of Manager to Rob Hovis and a Common Victuallers License, a 7-Day Entertainment License and an Automatic Amusement Device License.

Attorney Joseph H. Devlin was present to answer questions from the Board. Attorney Devlin explained there would be no experienced staff changes with Rob Hovis as Manager. A brief discussion was held.

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 Transfer of Annual All Alcohol Restaurant License from East Coast Restaurants, D/B/A Bar Louie Tavern and Grill to BL Restaurant Operations, LLC D/B/A Bar Louie Tavern and Grill, 232 Patriot Place, Foxborough as well as Common Victuallers License Application, 7-Day Entertainment License Application and Automatic Amusement Device License Application, Rob Hovis Manager. Seconded by Larry Harrington. **Vote: 5-0-0**

**8:20 – Public Hearing – Toby Keith’s I Love This Bar & Grill** – Paul Mortenson read the Public Hearing Notice. The purpose of this Public Hearing is to discuss an application for a new Annual All Alcohol Restaurant License for CRGE Foxborough, LLC D/B/A Toby Keith’s I Love This Bar & Grill, 275 Patriot Place, Foxborough, Michael Karp, Manager.

Attorney John Twohig was present to answer questions from the Board. He explained that the location of this restaurant is space unoccupied at Patriot Place. The floor plans for the restaurant were shown, including seating, the bar area, patio and entrances. This would be an opportunity for approximately 150 employees, full

and part time. Michael Karp gave a brief overview of his previous experience in related venues.

A general discussion was held. Sandra Herrmann noted that there was no Common Victuallers License Application. Attorney Twohig said that application would be made at a later date. It was noted that although the retail business at Patriot Place has not been as successful as anticipated, the restaurants have done very well particularly in this economy. Attorney Twohig said this would bring in new jobs, more tax revenue to the Town and more business for the retail stores. Other issues discussed included the number of people expected on a typical evening, seating and standing room only capacity, the system for checking ID's and the presence of the Manager on site as well as the benefits for the Town. Much attention was given to the fact that this is the last all alcohol liquor license available in the Town.

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

Motion by Larry Harrington to approve the application for a new Annual All Alcohol Restaurant License as submitted by CRGE Foxborough, LLC DS/B/A Toby Keith's I Love This Bar & Grill, Manager Michael Karp as well as 7-Day Entertainment License Application. Seconded by Lynda Walsh.

A general discussion was held. Paul Feeney noted that he is a proponent of putting liquor licenses to work; he is concerned about "running down on liquor licenses" in the Town. Attorney Twohig said if there was legislation allowing for additional licenses at Patriot Place, an agreement would be made to turn this license back to the Town to accept a legislative approved license. Lorraine Brue and Paul Mortenson voiced concerns regarding the concentration of liquor licenses in this one area of Town.

**Vote: 4-1-0** (Lorraine Brue voted in the negative.)

**8:45 – Update on Cable TV Application** – Paul Feeney recused himself from participation in this discussion and turned the meeting over to the Vice Chairman, Lynda Walsh. Attorney Peter Epstein reported that the Town and Verizon have reached an agreement on the final license and have finished the negotiation process. The effective date is tentatively May 25, 2010 for an 11 year term. He pointed out that this agreement is basically the same as the agreement with Comcast. Cable residential service would be within twelve months of the effective date and to all others within four years; connection with FCA studio within 150 days. The Cable Advisory Committee would like the Board to support this agreement and schedule a public hearing as soon as possible. A brief discussion ensued; a public hearing was scheduled for May 25<sup>th</sup>.

**9:00 – Conservation Commission Appointments** – Paul Feeney asked to wait to make these appointments until after the elections and the reorganization of the Board. Bob Boette pointed out that to delay would create a period of time when the Commission would be without a quorum. He asked if it would be possible to make 30-day appointments.

Motion by Paul Feeney to extend for a period of 30 days appointments of Doug Davis, Bob Boette and Alan Curtis with the understanding they would come before the reorganized Board for the interviews and discussions scheduled for this meeting. Seconded by Lorraine Brue.

A brief discussion ensued concerning the length of service on the Commission, the number of persons on the Commission and what makes up a quorum, other people who might still be interested in an appointment and making a change of the reappointment dates.

**Vote: 4-1-0** (Paul Mortenson voting in the negative.)

Bob Boette had two issues for discussion. He pointed out that he had asked for 19 hours per week in his budget to be dedicated to the Open Space Plan. He said Conservation had applied for a grant of \$2,000.00 for the Open Space Plan; this has to be approved by the State. At the request of interested citizens Bob asked to install “Turtle Crossing” signs in appropriate areas. He has discussed this with the Highway Department.

**9:30 – Discussion on Audit Committee Recommendations** – Larry Harrington suggested establishing a time table on how to move forward to address the issues on the Audit Committee recommendations. He pointed out if the Town was going to be spending 5% and only taxing the maximum of 2-1/2% a finance summit meeting with all unions should be scheduled to start strategizing on how to continue with a level service budget. He pointed out that the financial strain on the Town is much more intense than in the past and when costs continue to go up over 3%, the Town is going to be in a difficult situation. He suggested that looking at the five-year plan would be a positive and productive way to meet with all the unions for honest discussion about funding limits. Randy Scollins said it is important to have a look at the five year forecast and to see if everyone is in agreement that the situation is going to be very difficult in the near term.

Larry Harrington again pointed out that it is important to have all unions involved in such discussion as expenses have outpaced revenue. He referred to goals and objectives saying that the financial situation has changed since the goals and objectives were established a year ago such as salary increases, unfunded liability debt and health insurance increases by 6 or 7%. Larry said the Board has to look ahead at what needs to be addressed – Town Hall renovation, Wastewater Treatment Plant, schools that need repair as well as road repair, etc.

The Audit Committee suggested the adoption of a policy that puts all retirees on equal footing by having all retirees regardless of age contribute 50% of the health care premiums. Paul Feeney was not comfortable voting of this recommendation at this time. He asked about the additional cost for the retirees and felt it was not fair to put such a financial burden on the retirees without further discussion.

Motion by Larry Harrington to place on the agenda for the second meeting in May a discussion regarding cost savings identified as #2 and #3 on the list of strategies that require BOS decision suggested by the Audit Committee. Seconded by Lynda Walsh. **Vote: 5-0-0**

**9:50 – Telephone Call-in for Meeting Participation** – Larry Harrington pointed out that there would be a change in the Open Meeting Law, beginning July 1<sup>st</sup> regarding telephone call-in participation. He suggested asking Town Counsel keep in touch with the Attorney General's Office and lay out the requirements or whatever terms the Board would want. Larry wanted to get a consensus of the Board on this matter. A brief discussion ensued. Paul Mortenson said he was not ready to agree to this policy at this time. Lorraine Brue suggested that if a member had to be absent that person should submit in writing comments or questions that could be brought forward during the meeting. She is more comfortable being at the table to talk things out "face to face". Paul Feeney said he is not comfortable setting a policy without further information from the Attorney General's office. Lynda Walsh suggested that some parameters be set regarding reasons for being "out of Town" and necessitating call-in participation.

#### **ACTION:**

**Minutes** – The Minutes from the Board of Selectmen's Meeting of April 13, 2010 were reviewed.

Motion by Lynda Walsh to approve the Minutes of April 13, 2010 as amended. Seconded by Paul Mortenson. **Vote: 5-0-0**

**Legal Invoices** – Received from Deutsch Williams an invoice for Legal Services Rendered through 3/31/10 in the amount of \$7,797.04. A complete breakdown of charges was attached.

Motion by Paul Mortenson to approve the invoice from Deutsch Williams Brooks DeRensis & Holland, P.C. for services rendered through March 31, 2010 in the amount of \$7,797.04. Seconded by Lynda Walsh. **Vote: 5-0-0**

Received from Lawrence T. Holden, Jr. P.C. an invoice in the amount of \$2,568.00 for arbitration.

Motion by Paul Mortenson to approve the invoice from Lawrence T. Holden, Jr. P.C. for arbitration in the amount of \$2,568.00 as submitted. Seconded by Lorraine Brue. **Vote: 5-0-0**

**Library Donations** – Received notice from Jerry Cirillo, Boyden Library Director, receipt of \$100 donation for the Library Gift Fund from Bay Colony Group, Inc., a donation from Jeffrey M. Lovely in the amount of \$200 and a donation from The Lovely Insurance Agency, Ltd. In the amount of \$200.

Motion by Paul Mortenson to accept the donation of \$100 from Bay Colony Group, Inc., a gift from Jeffrey M. Lovely, Counselor at Law in the amount of \$200 and a gift from The Lovely Insurance Agency, Ltd. In the amount of \$200; each one to be deposited in the Boyden Library Gift Fund. Seconded by Lorraine Brue. **Vote: 5-0-0**

**Recreation Donation** – Received from Debbie Giardino, Recreation Director, notice of receipt of a check in the amount of \$500 to be deposited to the Recreation Gift Account from The National Recreation and Park Association.

Motion by Larry Harrington to accept the gift from The National Recreation and Park Association in the amount of \$500 to be deposited in the Recreation Gift Account. Seconded by Paul Mortenson. **Vote: 5-0-0**

**Pool Table/Billiard Table License Renewal** – Received from the Ancient Marinere a renewal application for a coin operated pool table, from Fusion Five a renewal for two coin operated pool tables, from N. J. Holding/Stoneforge/Christina's renewal for 10 Billiard Tables – non coin; from VFW Foxboro Post #2626 for three coin operated pool tables and from Waxy O'Connors Irish Pub for one coin operated pool table.

Motion by Lynda Walsh to approve the applications for Pool Table/Billiard Table License Renewals as submitted by The Ancient Marinere, Fusion Five, VFW Foxboro Post #2626 and Waxy O'Connors Irish Pub. Seconded by Larry Harrington. **Vote: 5-0-0**

Motion by Larry Harrington to request payment in full by M.J. Holding/Stoneforge/Christina's. Seconded by Lynda Walsh. **Vote: 5-0-0**

**32nd Annual Shriners High School Football Classic** – Received from Peter A. Simmons, Chairman, Shriners Football Classic a request that the Town waive the Foxborough Town User Fee and Event Licensing Fee for the Shriners All Star Football Classic to be held at Gillette Stadium June 2010-2012. A brief discussion was held.

Motion by Lynda Walsh to waive the Foxborough Town User Fee and Event Licensing Fee for the Shriners All Star Football Classic as requested in a letter received April 13, 2010. Seconded by Paul Mortenson. **Vote: 5-0-0**

**Hackie License Renewals** – Received applications for Hackie Licenses from Jerome Katz, Carroll Thacher and John F. Zdarsky to drive for East Coast Limo.

Motion by Paul Mortenson to approve the Hackie License Renewal applications as submitted by Jerome Katz, Carroll Thacher and John F. Zdarsky as submitted. Seconded by Lynda Walsh. **Vote: 5-0-0**

Early Openings on Patriots Sunday Game Days – Received from Jake Schlueter, Senior Licensing Manager for Red Robin International, Inc. a request for 11:00 a.m. openings on Patriots Game Day Sundays for the upcoming season. A brief discussion was held. Chairman Feeney asked to table this item until after election and re-organization of the BOS.

**Telephone Pole Relocation** – Received from National Grid a petition to relocate P. 1036-1 at Spring Street. A brief discussion was held. Andy Gala recommended not to approve this request because there had been objections from a neighbor. No action taken.

Received from National Grid a petition for P.988-84 to remove tree guy from tree to be removed and replaced with solely owned stub pole on property. A brief discussion was held.

Motion by Paul Mortenson to approve the petition for pole relocation as submitted in a letter dated April 16, 2010. Seconded by Lorraine Brue.

**Vote: 5-0-0**

**Planning Board Hearings** – Received from Marc Resnick, Town Planner, notice of hearings scheduled for April 29, 2010 for Special Permit for Accessory Apartment at 34 Bourne Rd., Village Estates Subdivision Modification Plan and Special Permit for Hockomock YMCA Phase 3 Expansion Plan. Comments to be submitted two days prior to the scheduled hearing.

**Foxborough Committee Renewals** – A list of Foxborough Committee renewals to be reviewed and approved by BOS. A brief discussion was held and it was agreed to hold the renewals for Conservation Commission and Council on Aging. Committee Renewal List to follow at the end of the minutes.

Motion by Lynda Walsh to approve the renewals of appointments for all Town Committees as listed to be effective May 1, 2010 except Council on Aging and Conservation Commission. Seconded by Paul Mortenson. **Vote: 5-0-0**

Motion by Larry Harrington to adjourn. Seconded by Lynda Walsh. **Vote: 5-0-0**  
Meeting adjourned at 10:45 P.M.

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Paul Mortenson, Clerk

## **TOWN COMMITTEE APPOINTMENT RENEWALS**

**Effective May 1, 2010**

### **APPEALS, ZONING BOARD OF**

**3 Year Term – 5/1/2010 through 4/30/2013**

Lee S. Estabrook 4 Morris Street

#### **Associate Members**

**1 Year Term - 5/1/2010 through 4/30/2011**

Christopher Karvonen 48 South Street

Kevin Penders 2 Highland Street

### **CABLE ACCESS DIRECTORS**

**3 Year Term – 5/1/2010 through 4/30/2013**

Margaret Chaisson 199 North Street

### **CABLE TELEVISION ADVISORY COMMITTEE**

**1 Year Term - 5/1/2010 through 4/30/2011**

Harold H. Donnelly, Jr. 6 Carmine Avenue

Lynn W. Foell 31 Carroll Drive

Gary W. Nash 227 Central Street

Matthew Shea 15 Phyllis Road

John Regan 127 East Street

**Ex Officio Members - 1 Year Term 5/1/2010 through 4/30/2011**

Paul R. Beck 71 Cross Street

Jerry Cirillo 25 Meadowbrook Rd., Westwood

Paul F. Godin 151 South Street

William Randy Scollins 3 Ridgewood Path

Michael Webber 32 Minerva Ave., Cumberland, RI

Paul Bortolotti 8 Summer Street

### **CAPITAL IMPROVEMENT PLANNING COMMITTEE**

**1 Year Term - 5/1/2010 through 4/30/2011**

James DeVellis 4 McKenzie Lane

Andrew A. Gala, Jr. 1 Gibbon Ave., Milford

Christopher Martes 39 Sierra Drive, S. Easton

Paul D. Mortenson 9 Alger Road

Leo R. Potter 4 Alex Lane

William Randy Scollins 3 Ridgewood Path

### **DISABLED CITIZENS, COMMITTEE FOR**

**1 Year Term - 5/1/2010 through 4/30/2011**

Frances A. Bell 27 Shoreline Drive

Nancy L. Biggar 82 Fairway Lane

Richard W. Biggieri 143 Mechanic Street

Susan C. Collins 10 Arnold Drive

Cynthia Curran 4 Laurel Tree Drive

Daniel Iagatta 56G Baker Street

Marilyn L. Lucas 61 South Street

### **ECONOMIC DEVELOPMENT COMMITTEE**

**1 Year Term - 5/1/2010 through 4/30/2011**

Mark A. Grebbin, Sr. 120 Beach Street

Marc Resnick 57 Westgate Road, Newton

Michael G. Saegh, Sr. 8 Kendall Drive

Michael Stanton 10 Shepherd Street

### **EXECUTIVE EMERGENCY PLANNING COMMITTEE**

**1 Year Term – 5/1/2010 through 4/30/11**

Chairman of the Board of Selectmen

Roger Hatfield (Fire)

Edward T. O'Leary (Police)

