

# Foxborough, Massachusetts

40 South Street, Foxborough, MA 02035

## BOS Meeting Minutes 2/24/2009

### SELECTMEN'S MEETINGMINUTES February 24, 2009

Members Present: Mark Sullivan, Chairman  
Paul Feeney, Vice Chairman  
Lynda Walsh, Clerk  
Jim Thrasher  
Paul Mortenson

Others Present: Andy Gala, Town Manager  
Vivian Pitts, Retired Tax Collector-Treasurer  
Thomas J. Perruna, Better Food Foxboro LLC dba  
Tavolino restaurant  
Graham Silliman, Better Food Foxboro LLC  
Christopher Karvonen and Donald Baker – applicants for  
appointment to ZBA

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

**7:00 – Citizens Input** – Jim Thrasher read a citation for Vivian Pitts upon her retirement as Tax Collector/Treasurer for the Town of Foxborough. The citation gave a brief history of her career in the Finance Dept. beginning in 1983 to the present. On behalf of the Community he thanked her for her many years of dedicated service to the Town and a “job well done”.

**7:05 – Public Hearing – Better Food Foxborough LLC d/b/a Tavolino** – Lynda Walsh, Clerk, read the Public Hearing notice. The purpose of this Public Hearing is to discuss the applications by Better Food Foxboro LLC, d/b/a Tavolino restaurant for an All Alcohol License, Common Victuallers License, 7-Day Entertainment License and Sunday Entertainment License.

Graham Silliman introduced Thomas J. Perruna as the General Manager explaining that he has had experience in managing restaurants serving alcohol and most recently at a restaurant in Hanover, MA. He said it would be a full service lounge, seating for 180 patrons, a patio area and a separate entrance for “take out” service. He explained Better Food has one other location in Mashpee, MA. He said all employees who serve alcohol would receive certification and TIPs training. Graham Silliman described the type of food that would be served emphasizing the fact that the pizza would be “made from scratch”.

A brief discussion was held. Members of the Board asked how the restaurant would deal with the influx of patrons during Patriot home games and what the plan is for carding patrons. Graham Silliman does not expect any problems with crowds, there is seating for 180 patrons but no place for people standing around. He would make sure the employees are properly trained and alert as to what is going on. He said the philosophy of the management is termination of the employee should an underage customer be served alcohol. Thomas J. Perruna gave a brief history of his experience in the restaurant business where alcohol is served. Other questions by the Board included inquiry as to on site management, what financial backing has been arranged for the opening of this facility and what is the expected opening date. Mark Sullivan took the opportunity to advise of the ruling adopted by the Board regarding opening hours on Sundays other than Patriot home game days.

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

Motion by Mark Sullivan to approve the application for an All Alcohol License as submitted by Better Food Foxboro LLC, d/b/a Tavolino. Seconded by Paul Feeney. **Vote: 5-0-0**

Motion by Lynda Walsh to approve the application for a Common Victuallers License as submitted by Better Food Foxboro LLC, d/b/a Tavolino. Seconded by Paul Mortenson. **Vote: 5-0-0**

Motion by Paul Feeney to approve the 7-Day Entertainment License application as submitted by Better Food Foxboro LLC, d/b/a Tavolino. Seconded by Mark Sullivan. **Vote: 5-0-0**

Motion by Lynda Walsh to approve the application for Sunday Entertainment License as submitted by Better Food Foxboro LLC, d/b/a Tavolino. Seconded by Mark Sullivan. **Vote: 5-0-0**

**7:30 – ZBA Interviews** – Two applicants, Christopher Karvonen and Donald Baker were present for interviews for the position of Associate Member on the Zoning Board of Appeals.

Paul Mortenson opened the discussion with Christopher Karvonen by asking why he is interested in being appointed to this particular committee and whether or not he would be amenable to being appointed to a different Town committee. Christopher said he found this to be a way to become involved in the Town and that he has some zoning knowledge. If not appointed to ZBA, he would be interested in other opportunities to become involved. He said he graduated from Northeastern University and received a degree in real estate operations and management from Wentworth Institute. Christopher said his professional experience in reviewing and negotiating contracts, etc. would be something he could contribute to the board.

Donald Baker is also interested in serving on the ZBA. He served on the ZBA previously. Don has his own construction company and is a real estate broker. He has also served as President of the Mass Home Builders Association as well as Norfolk Bristol Home Builders Association. He said he has extensive knowledge of the Zoning By-Laws and issues that come before the Board of Appeals. A brief discussion was held regarding the possibility of whether or not Don would have to recuse himself from making decisions because of possible conflict of interest issues. Don does not see that as a problem.

A decision on the appointment will be on the agenda for a future meeting.

**8:00 – Town Meeting Warrant** – Andy Gala explained that there would be a Special Town Meeting before the Annual Town Meeting to address budget adjustments for the current budget year. Andy said Article 1 calls for adjustments in Departments #760 Debt and #241 Inspection Salaries. He explained that these are two different accounts; a reduction by \$75,000 in #760 Debt account and an increase in Inspection Salaries account #241 by \$50,000.

Article #2 – Dept. #450 Water Enterprise Expenses an adjustment of \$210,000 to be funded through Water Receipts and Dept. #460 Sewer Expenses a decrease of \$50,000.

Article #3 – Sewer Enterprise an adjustment to lower the amount requested by \$35,000.

A brief discussion was held regarding Inspectors' salaries and the adjustments for Water and Sewer. Andy Gala said there might be one more article for STM from the Planning Board.

On the Annual Town Meeting Warrant, Andy explained that the first 5 articles are standard ATM Warrant articles. The CIP budget is not yet complete. Funding for the High School Renovation is not finalized between the School Dept. and the State. He said the School is still expecting 50% of the cost to come from the State. Andy explained that this article (6) would have to be voted on at Town Meeting and a ballot question vote. Randy Scollins explained Article 13, Property Tax Exemptions was adjusted last year for certain income limits for special exemptions. A brief discussion was held regarding Article 15 Establish Sewer Districts. Andy explained that Town Counsel had prepared this article. Jim Thrasher asked if it would be possible to have Town Counsel come before the Board so that there would be a clear understanding of what changes and what ramifications this would have on the Town and so that they would have a full understanding of this article for Town Meeting.

#### **ACTION:**

**Minutes:** The Minutes for the Board of Selectmen's Meeting of February 10, 2009 were reviewed.

Motion by Lynda Walsh to approve the Minutes of the Meeting of February 10, 2009 as submitted. Seconded by Mark Sullivan. **Vote: 5-0-0**

**Legal Services Invoices** – Received from Collins, Loughran & Peloquin, P.C. an invoice for services rendered Dec. 16, 2008 through January 31, 2009 in the amount of \$6,480.00.

Received from Deutsch Williams Brooks an invoice for legal services rendered through 01/31/09 in the amount of \$4,935.74.

Received from Deutsch Williams Brooks an invoice for retainer services for the month of February, 2009 in the amount of \$4,083.33.

A brief discussion was held. Andy Gala distributed a breakdown of the legal services rendered from Sept. 05, 2008 through Dec. 2, 2008. He pointed out that there probably would be a request for a transfer of funds before the end of this fiscal year.

Motion by Lynda Walsh to approve the legal invoices as submitted by Collins, Loughran & Peloquin, P.C. in the amount of \$6,480.00, from Deutsch Williams Brooks in the amount of \$4,935.74, from Deutsch Williams Brooks retainer in the amount of \$4,083.33. Seconded by Mark Sullivan. **Vote: 5-0-0**

**Neponset Reservoir Committee Resignation** – Received from Bob Hickey notice of his resignation from the Neponset Reservoir Committee effective 02/24/09.

Motion by Paul Feeney to accept the resignation of Bob Hickey, effective this date, from the Neponset Reservoir Committee with thanks from the Board for his services to the Town. Seconded by Mark Sullivan. **Vote: 5-0-5**

**Dangerous Intersections in Foxborough** – Received from Alex Papianou, 19 Birch Tree Road, a letter concerning four locations that he considers dangerous intersections. Intersections of concern – parking spaces on South Street in front of Memorial Hall, intersection of Route 1 and North Street, I-95 North ramp leading onto Route 140 and continuing problem at Walnut Street and 140.

Andy Gala said he had forwarded these concerns to the Police Dept. for review. Mark Sullivan attested to difficulty maneuvering a vehicle with a trailer around the corner. He said the issue at North Street and Route 1, is a State engineering problem as well as the I-95 North ramp onto 140. Andy Gala said the Town continues to work with the State on the Walnut Street problem. Jim Thrasher said he would like to know what the Planning Board thought about the parking spaces on South Street. Mark Sullivan suggested putting some traffic cones out as a trial to prevent parking.

**Application to Sell Second Hand Vehicles** – Received from Rodman Ford Sales, Inc. an application for License to buy, sell, exchange or assemble second hand motor vehicles or parts thereof.

Motion by Lynda Walsh to approve the Application to Buy, Sell, Exchange or Assemble Second Hand Vehicles or Parts Thereof as submitted by Rodman Ford Sales, Inc., 101 Washington Street, Foxborough. Seconded by Paul Feeney.  
**Vote: 5-0-0**

**Underground Gasoline Storage** – Received from Kristen W. Sherman on behalf of Colbea Enterprises, LLC, 32 Commercial Street, an application for License for underground gasoline storage tank. A brief discussion was held.

Motion by Lynda Walsh to approve the application for License for underground gasoline storage tank as submitted by Colbea Enterprises, LLC. Seconded by Jim Thrasher. **Vote: 5-0-0**

**Sharon Triathlon** – Received from Tim Richmond, Race Director, Max Performance a request for permission to use a small portion of roads in Foxborough to conduct the Sharon Triathlon on August 16, 2009.

Motion by Paul Feeney to approve the request from Max Performance to allow the use of a small portion of roads in Foxborough to conduct the Sharon Triathlon, scheduled for August 16, 2009 contingent on approval from the Police Chief. Seconded by Mark Sullivan. **Vote: 5-0-0**

**5K Road Race – Foxboro Track & Field Program** – Received from Jim Foley on behalf of Foxborough High School Track & Field Booster Club a request to conduct a 5K Road Race on March 28, 2009.

Motion by Jim thrasher to approve the request to hold a 5K Road Race as requested by the Foxboro Track& Field Booster Club, contingent on approval from the Police Chief. Seconded by Paul Feeney. **Vote: 5-0-0**

**Invitation** – Received from Joseph A. Connolly, Chairman, Norfolk County Retirement System an invitation to the Board to attend a meeting on Thursday, February 26, 2009 at the Canton Public Library. Andy Gala explained that he and Randy Scollins would attend.

**Increase in Commercial Parking Spaces** – Received from Michael G. Saegh an application to increase the number of commercial parking spaces at 91 Washington Street. This is an increase of 285 spaces (from 503 to 788). The plan was available for review.

Motion by Lynda Walsh to approve the request from Michael G. Saegh to increase the number of commercial parking spaces by 285 as submitted. Seconded by Mark Sullivan. **Vote: 5-0-0**

## OLD/NEW BUSINESS

Lynda Walsh reminded the citizens of Foxborough of the 6<sup>th</sup> Annual Auction to be held by the Doolittle Home and Jaycees to raise funds for a new diagnostic table for the Home. Given the recent household natural gas explosions in the area, Paul Feeney advised citizens that if anyone “smells something – say something” do not leave it up to another neighbor to call for help.

Motion by Paul Mortenson to go into Executive Session for the purpose of reviewing Executive Session Minutes and to exit from Executive Session for the sole purpose of adjournment. Seconded by Paul Feeney.

<b>Vote: 5-0-0</b>	Mark Sullivan, Chairman	Yes
	Paul Feeney, Vice Chairman	Yes
	Lynda Walsh, Clerk	Yes
	Paul Mortenson	Yes
	Jim Thrasher	Yes

Motion by Mark Sullivan to adjourn. Seconded by Lynda Walsh.

**Vote: 5-0-0** Meeting adjourned at 9:00 P.M.

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Lynda Walsh, Clerk