

**SELECTMEN'S MEETING MINUTES**  
**January 10, 2012**

Members Present: Larry Harrington, Chairman  
James J. DeVellis, Vice Chairman  
Mark Sullivan, Clerk  
Lorraine Brue  
Lynda Walsh

Others Present: Kevin Paicos, Town Manager  
Randy Scollins, Finance Director

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

**7:00 – Citizen's Input-** Dick Heydecker, 63 Grove Street, talked about not being able to get copies of the minutes of specific meetings. He said the first motion at the Dec. 6<sup>th</sup> meeting is "problematic". He questioned the process used by Town Administration regarding the deficit spending for Snow & Ice; he said he could not find any action by the Advisory Committee approving the transfer of funds into this account. He said there has been no response to five other questions he has submitted. He is also asking for Executive Session minutes that he feels should be released. A brief discussion ensued regarding the release of Executive Session minutes. Kevin Paicos said he has been compliant with instruction from the Attorney General's Office following the complaint filed by Dick Heydecker. He suggested that they allow the review by the Attorney General's Office go forward. Larry Harrington said the Board would again review the Executive Meeting minutes in question.

Karen Kierce, 3 Heritage Drive, came before the Board to question the true financial status of the Town. She said in comparing the audit with what is being reported the figures do not seem to say the same things. She feels people are being misled and that people look at the Board for accurate information. She feels that the information being put forth by the Town is not what the situation really is and she would like more accurate reporting. Charles Tgibedes, Chestnut Street, referring to a meeting on August 8, 2011 at Gillette Stadium and attended by Kevin Paicos and Larry Harrington, said, in his opinion, it was appropriate not to disclose details about this meeting as it was part of the development process. George Alder, Granite Street, said he is very perplexed about the casino having only recently heard about it and there is no official proposal at this time. He is troubled by hearing of a meeting in August and disclosure being made four months later. He said this disclosure has created the feeling of much needed revenue and a perception of implied endorsement. Martha Slattery, School Committee member, said she had served on the School Committee with Larry Harrington and to have anyone question his integrity or his dedication to the Town is incredible. She said if anybody can make open and honest decisions, it would be Larry. Other citizens questioned transparency

when the Town is faced with issues as important as this, why was this not brought before the Board earlier to be discussed as a group and why this information was not brought before the Town before it went out to surrounding communities.

**7:10 – FY2013 Budget** – Larry Harrington explained that this Budget Update is to give residents an idea of where the Town is regarding revenue. He said the State numbers come in late; it is a long process. Randy Scollins provides the Board with an update many times throughout the process. Kevin Paicos was asked to give an overview of the Town budget so that people would have a better understanding about the process.

Randy Scollins said the October numbers were estimated to show a \$723,000 deficit and from that date, October through December, all business requests from Department Heads have been reviewed by himself together with Kevin Paicos and the Department Heads. After this review and adjustments made such as an increase in new growth certified projections, increases in ambulance receipts and an increase in overlay surplus transfer, the deficit is down and the Town is now looking at a deficit of approximately \$288,000. Randy explained these adjustments in detail. Fixed Costs – Randy Scollins specifically noted the change in the health insurance, a lower number of subscribers and the change in the percentage of the premium to be paid by retirees and an increase to the O.P.E.B. Unfunded Liability contribution. He expects to have the numbers from the Governor's budget by early February.

Kevin Paicos said this is an historic budget because for the first time in memory this budget may allow the Town to levy taxes below what is allowed by 2-1/2% levy limit while continuing to provide the current level of services. He explained that this is the result of hard work and tough decisions in areas of changes in employee health insurance, workmen's compensation and other initiatives. This budget includes a 1.5% COLA adjustment for employees. He said most budgets show a decrease or only slight increases; he briefly reviewed the budgets of departments that showed slight increases. Kevin Paicos pointed out that this budget was prepared and presented one month ahead of schedule and would allow the Advisory Committee more time to thoroughly review each departmental budget. He noted in particular the plan in the Public Works Department to hire two laborers for Tree and Parks. The reason for this is to provide the Town with a capability to reduce power outages resulting from damage to trees during severe storms. The primary duties of these employees, along with present staff, would be cutting down damaged or falling trees, branches and clear brush to eliminate hazards, as much as possible, along Town roadways. To accomplish these tasks, Kevin said the Department plans to request the purchase of a 70 ft. bucket truck to replace the older truck.

Larry Harrington asked for a brief update regarding what if any pressure was being put on National Grid and what effort they might be making in the way

of improving services during unexpected storms. Kevin Paicos sent notice to the BOS stating progress made regarding clean up after the storms of late summer/early fall. He explained that the DPW Director, Roger Hill had made arrangements along with National Grid crews to schedule work to be supervised by the Tree Foreman, Dave Laliberte. He pointed out that the Town is now in much better position than it was earlier in the year. Kevin Paicos said the hiring of two new laborers for Tree and Park is not going to make the Town immune to power outages. He said National Grid is not going to be doing any more tree cutting. He said these things are going to take time and in three to four years there would be a better program.

Kevin Paicos asked for feedback regarding what the Board may want to do with the surpluses. He pointed out that the Board has been very conservative and that is the overwhelming reason why the Town is in the position it is in now. Randy Scollins pointed out that it has taken two years to get to this point. Lorraine Brue asked what progress had been made in regard to an analysis of the Public Safety Overtime. Kevin Paicos said the overtime is in the exact same level as it was from 2001 to 2012. The Overtime Analysis has been a partial casualty. He said the Chiefs have been working on tracking the reasons for overtime. By 1/31/12 he expects to have some data that would make an impact on overtime. He would be looking to make some reductions in this budget. Lorraine Brue asked if any reduction in residential real estate taxes would have to go into next year. Kevin Paicos said he would know before the end of the Fiscal Year and there would be an opportunity to make decisions then.

Jim DeVellis thanked everyone for all the work to bring this budget to the Board pointing out that no staff has been cut. He recognized the staff and Department Heads who have taken hits on the tremendous changes in insurance. He said "it is good to be sitting here talking about level service vs. level spending, leaving Free Cash intact. Randy Scollins highlighted operating budget revenues and fixed cost expenses. He pointed out that revenues are derived from taxation, State Aid, local receipts and other available funds. For FY2013 the total General Fund Revenues comes to \$54,731,513.00 with fixed costs of \$14,285,969.00. He noted that the School Department showed a \$64,000.00 reduction from the original budget number of \$28,164,700.00. The Municipal budget is slightly increased by \$156,324.00 based on actual department budget requests bring that number to \$12,633,500.00. The deficit at this time is \$288,420.00. Randy noted that the final numbers from the State are not yet available. A lengthy discussion ensued regarding the process, the responsibilities of the Advisory Committee, the impact of the meals tax revenue and OPEB and future needs of the Town, the Library and the Town Hall, etc. Some further comments were made relative to National Grid, their response to emergency situation in Foxborough and a suggestion to have Marcie Reed come before the Board for discussion keeping the "pressure" on National Grid to be better prepared and render better services.

**8:15 – Town Counsel Recruitment Process** – Kevin Paicos said an RFP was sent out about a week ago; it is getting a lot of interest. The deadline is in three weeks. He pointed out there would be a screening process and depending upon how many qualified applicants there are, the Board could set up a special meeting for interviews. He expects that to happen about the last week in January.

**8:35 – Board of Selectmen/Town Manager Communications and Future Agenda Items -**

Lynda Walsh read a prepared statement in reference to the meeting of August 8<sup>th</sup>. She pointed out that the original purpose of the meeting was to discuss the Water Treatment Facility that is part of the Patriot's Place Agreement. Resulting from that meeting was a memo to the members of the Board from Kevin Paicos regarding a possible change in the Zoning By-Law relative to gaming. She said Larry Harrington gave an overview of the discussion and a vote was taken whether to entertain a proposal on a Casino, this was made public. Lynda pointed out that people form their opinions by what they read and that is not necessarily a good thing but she said the Town cannot stop the press from doing their job. She said the Board should start the healing process and move forward with the responsibilities of the Town. That can start by "each member resolving to remember our resolve a couple of years back to bring any and all questions to the table and not by finger pointing or making accusations about other board members' action to the media, other boards and/or other special interest groups." She said no Board member should read about Board business for the first time in the newspaper. She said in order to bring back the trust of the public all questions must be brought to the table and the Board needs to be as transparent as possible. She said the Board should put their personal feelings about a casino aside and move on with the business at hand.

Mark Sullivan said that people should be careful about what they say and how it is said. He said the full message never seems to get through and words are taken out of context and words can be misconstrued. Lorraine Brue said all have to focus on professionalism; they have to work together and there is a job to do. She said the Board has to "take a step back" and have a thorough discussion about the expectations on these types of issues. She said it is very important that this should be discussed by the Board before Town Meeting because "we need to get past the situation the Board is in right now". As a Board, we need to make sure we do not find ourselves in this position again and to keep working toward transparency.

Larry Harrington said that when the invitation came to join Kevin Paicos in a meeting with the Kraft Group, he agreed with the anticipation of bringing information back to the Board and he felt the memo from Kevin Paicos covered all that the Board would need to know. He did not order Kevin Paicos to do

anything, they decided together. The Board took a vote 5-0 to go no further. A month later Steve Wynn contacted the Town saying he would like to hear from the Town. Larry Harrington said regarding whether he had tried to coerce Lynda Walsh or Mark Sullivan to change their point of view, he would rather have had that brought forth at a Board meeting. Larry pointed out that Kevin Paicos fulfilled his responsibility and that they were invited to a meeting and were asked not to disclose every aspect of that meeting as it was clear that some legislation was going through at that time. He pointed out that the Board has had dialog in public and meetings where several people spoke their thoughts. The Board has tried to be transparent wherever possible.

Jim DeVellis said as a Board member when any issue comes before it, he tries to educate himself before making any decisions and not having that information he felt at a disadvantage. When he looked at the special warrant article introducing gaming, he would have been able to put it into better context. He said he does not have a problem with a letter going to the Gaming Commissioner, Robert Kraft and Steve Wynn saying that the Town is not interested in being a Casino host community.

A lengthy discussion was ensued on whether the Board should develop a policy on talking to the media given the amount of criticism received, some of it personal attacks, votes taken by the Board that support the "not interested" viewpoint, and issues that might come up in the future when a formal application is submitted to the Gaming Commission. Lynda Walsh said the Board should be able to work together; just be careful when talking to the media. She said there should be no further comments to the media about the casino. She does not want to find out about things through the newspaper before she has it in her packet. Kevin Paicos said he understands the issue that prompted this discussion and it is always good when the Board has these discussions. He said he does not comment on the Board's decisions out of respect due to the office even though he might strenuously disagree. In regard to the meeting, two things that are somewhat unfortunate – to criticize that meeting does not serve the public interest and to indicate that he initiated the subject of casinos. Kevin said that is not what happened in that meeting that day. He said he had spoken to Dan Murphy because he thought there might have been some misunderstanding.

A letter from Dan Murphy, VP of Business Development and External Affairs was read in which Mr. Murphy addressed concerns resulting from reports of the August 8, 2011 meeting. A copy of the letter follows these minutes. Kevin Paicos said that when he came before the Board, he felt he was doing exactly what is expected – to bring ideas. He said the situation the Board finds itself in is nothing but a culmination of ideas. He viewed this (the casino resort) as an alternative to the undeveloped technology park and felt he would have been derelict in his responsibilities if he did not bring this to the Board. He said the Town has heard from the people and in his professional judgment this is not a good fit for the Town of Foxborough. He said it should never be the case that

differences about an important public policy issue is allowed to degrade into personal attacks such as are going on at this time. He pointed out that the Board does the best they possibly can for the community and it is a "shame" that people descend into attacking anyone publicly or privately.

**ACTION:**

**Minutes** – The Minutes of the Board of Selectmen's Meeting of December 27, 2011 were reviewed. After a brief discussion the Minutes were put on hold until the next scheduled meeting.

**Easement Grant – National Grid** – The Town, as Grantor, submitted to the BOS for approval an Easement Grant for an "Underground Electric Distribution System to be awarded to the Massachusetts Electric Company for the purpose of transmission of intelligence and supplying electric service to the Town.

Motion by Lynda Walsh to approve the Easement Grant to Massachusetts Electric Company as outlined in the Grant. Seconded by Mark Sullivan.

**Vote: 5-0-0**

**Appointment – Canoe River Aquifer Advisory Committee** – Received from the Canoe River Aquifer Advisory Committee a request to appoint Roger Hill, DPW Direct, as a member of that Committee.

Motion by Mark Sullivan to appoint Roger Hill, DPW Director, to the Canoe River Aquifer Advisory Committee to complete Leo Potter's term expiring on 7/1/13. Seconded by Lynda Walsh. **Vote: 5-0-0**

**Appointment – Foxborough Committee for Disabled Citizens** – Received from Susan Collins, Chairman, a request to fill two vacancies on the Foxborough Committee for Disabled Citizens. Recommended are Tony Williams and Charlie Hobbs.

Motion by Mark Sullivan to appoint Maurice (Tony) Williams and Charles Hobbs to the Foxborough Disabled Citizens Committee for a term expiring May 1, 2012. Seconded by Lynda Walsh. **Vote: 5-0-0**

**Resignation** – Received from Lee Estabrook, 4 Morris Street, notice of his resignation from the Foxborough Zoning Board of Appeals.

Motion by Mark Sullivan to accept with thanks and appreciation of service the resignation of Lee Estabrook as submitted. Seconded by Lynda Walsh.

**Vote: 5-0-0**

Received from the Foxborough Zoning Board of Appeals notice that the Board had voted to appoint Barney Ovrut as a full member and keep Kevin Penders as an alternate member. Also a notice to appoint Kim Mellon, 1 Monroe Street, to the ZBA as an Associate Member. With the term expiring 5/1/2012.

Motion by Mark Sullivan to approve the appointment of Barney Ovrut as a full member of the ZBA and the appointment of Kim Mellon as an Associate Member. Seconded by Lynda Walsh. **Vote: 5-0-0**

**Grant Acceptance** – Received notice from Vicki Lowe, Executive Director C.O.A. notice that the Foxborough COA and HS has been selected as one of three award recipients from the Massachusetts Assisted Living Facilities Association a grant in the amount of \$3,333.33 to be deposited into Acc. #25541366 466000.

Motion by Lynda Walsh to accept the award in the amount of \$3,333.33 as outlined in a memo from Vicki Lowe, Executive Director COA. Seconded by Lorraine Brue. **Vote: 5-0-0**

**Grant Acceptance** – Received from Fire Chief Hatfield a notice that the Town of Foxborough and Foxborough Fire/Rescue have received a grant in the amount of \$5,265.00 from the Commonwealth of Massachusetts. The purpose of this grant is to provide educational services to school children regarding fire safety.

Motion by Mark Sullivan to accept the grant to the Town and Fire/Rescue in the amount of \$5,265.00 for the purpose of education of school children on fire safety. Seconded by Lynda Walsh. **Vote: 5-0-0**

**One Day All Alcohol License Request** – Received from Fred Smerlas, First & Goal, an application for a One Day All Alcoholic Liquor License for the Patriots' Playoff Game on 1/14/2012.

Motion by Mark Sullivan to approve the application for a One Day All Alcoholic Liquor License as submitted by Fred Smerlas. Seconded by Lynda Walsh. **Vote: 5-0-0**

**Animal Gift Control Fund** – Received from Sue Thibedeau, Animal Control Officer, notice of a donation in the amount of \$120.00 from Vicki & David Lowe for the Animal Control Gift Fund.

Motion by Mark Sullivan to accept with gratitude the gift in the amount of \$120.00 from Vicki & David Lowe to be deposited in the Animal Control Gift Fund. Seconded by Lynda Walsh. **Vote: 5-0-0**

**Notice to the Board of Selectmen** – Received from Sandra Herrmann, Administrative Secretary, notice that the Annual Report is due by Friday, February 10, 2012 and no later than March 15, 2012.

Motion by Mark Sullivan to go into Executive Session for the purpose of discussing negotiations for non-union personnel and to exit from Executive Session for the sole purpose of adjournment. Seconded by Lynda Walsh.

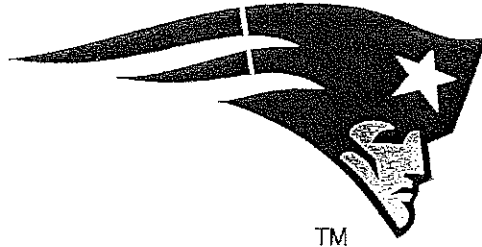
<b>Vote: 5-0-0</b>	Larry Harrington, Chairman	Yes
	Jim DeVellis, Vice Chairman	Yes
	Mark Sullivan, Clerk	Yes
	Lorraine Brue	Yes
	Lynda Walsh	Yes

Motion by Jim DeVellis to adjourn. Seconded by Mark Sullivan.

**Vote: 5-0-0** Meeting adjourned at 11:30 p.m.

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Mark Sullivan, Clerk



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DANIEL G. MURPHY  
VP BUSINESS DEVELOPMENT & EXTERNAL AFFAIRS

Hand Delivered

January 10, 2012

To the Editor:

I'd like to try to clear up some confusion that has resulted from reports regarding an August 8, 2011 meeting attended by myself, Robert and Jonathan Kraft, Town Manager Kevin Paicos and Chairman of the Board of Selectmen Larry Harrington.

As the Town's largest taxpayer and owners of the largest parcel of developable land in Foxborough, The Kraft Group considers it our responsibility to notify local officials of potential development opportunities. Meetings such as the one that occurred on August 8th are not only standard, but necessary. For the last 25 years, we have met regularly with town officials. That communication has fostered a very productive working relationship that led to the construction of Gillette Stadium and Patriot Place and allows us to successfully execute stadium events throughout the year.

On August 8, we planned to discuss three topics with Mr. Paicos and Mr. Harrington: the ongoing water and sewer negotiations, a status update on our efforts to market our land for a potential office park (critical to the water discussion) and a development inquiry we received from Wynn Resorts, who were monitoring then pending state legislation that may approve gaming in the Commonwealth.

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During this meeting (and *after* we informed Mr. Paicos and Mr. Harrington about the inquiry from Wynn Resorts), Mr. Paicos asked us if we had been contacted by *other* casino developers. We informed him that we had received several calls over the last few years, but had always politely dismissed them. We explained, however, that we felt Wynn Resorts had a unique potential that warranted this preliminary discussion. To be clear, we initiated the discussion about Wynn Resorts.

The Krafts then described to Mr. Paicos and Mr. Harrington that they would only be interested in such a development if it were world-class, had a substantial net benefit to the Town and would be in keeping with the quality of the existing development on site.



We specifically asked Mr. Harrington and Mr. Paicos to preserve the confidentiality of that discussion, since it involved a confidential inquiry from a potential developer. That is a common business practice, and protected both The Kraft Group and the Town of Foxborough from other municipalities seeking to compete for the interest of developers as desirable as Wynn Resorts.

The following month, Mr. Paicos did what any effective town manager would do. After being informed of this development inquiry from Wynn Resorts and having received inquiries directly from other developers, he suggested that Foxborough get on an equal playing field with potentially competing communities, while ensuring that voters would still have the final say.

While much has transpired since August 8th, it's important to note that at that time it was simply a preliminary discussion, initiated by The Kraft Group, about a potential opportunity that would only become legitimate if: a) the legislature passed a law that had been under consideration in various forms for years (and didn't become law until several months later), b) Foxborough was presented a tangible proposal by Wynn Resorts or another developer, and c) the public approvals process was followed. Following the preliminary discussion on August 8th, neither Mr. Paicos nor Mr. Harrington learned of the legitimacy of Wynn Resorts' interest until it was made public in December.

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Again, for 25 years we have met one-on-one with selectmen, department heads and town leaders -- going back to Gerry Rodman, Mike Coppola and Andy Gala -- on a wide range of topics. If Mr. Paicos and Mr. Harrington didn't work closely with the largest taxpayer in Foxborough to discuss new revenue-generating opportunities, they would not be acting in the best interests of the Town. The suggestion by some that their behavior was inappropriate is unfounded and sends a very negative message to businesses who may seek to locate or expand here in the future.

Sincerely,

Dan Murphy