

SELECTMEN'S MEETING MINUTES
April 07, 2009

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

Others Present: Andy Gala, Town Manager
Randy Scollins, Finance Director

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

7:00 – Citizens Input – Hector Ballon, 153 North Street, came before the Board to discuss an issue he felt needs to be addressed by the Board. He suggested that the Town adopt a Code of Ethics as the only thing he could find in the way of how the Town conducts its business is a Standard of Conduct paper copies of which he distributed to the Board members. He feels a Code of Ethics is missing and requested that the Town Manager along with Town Counsel and others draw up a code to be followed for all elected and appointed personnel to be used during open meetings. He outlined his thoughts as to what should be included in the proposed code. He said a private citizen cannot participate in a meeting except that he/she is recognized by the Chairperson. If the person speaking is being attacked by another citizen or by a member of the Board in an unfavorable light, it is the responsibility of the Chairperson to call the meeting out of order and to stop the attack. If no action is taken, Hector Ballon said it is abuse of power and that, he said, is a “terrible thing”. He referred to a particular instance where he felt there was abuse of power and he felt obliged to bring this to the attention of the Board and the public. He feels that for the protection of the Chairperson and for the person being attacked that the Town needs to adopt a Code of Ethics. He pointed out that citizens should not be intimidated when coming before the Board. He requested that a meeting be scheduled soon to address this issue further.

A brief discussion ensued. Paul Feeney said he is in agreement that there is a need to review how Town government operates. He would like to see a committee created to review such matters but suggested it not happen before the election of new Board members. He agreed that something needs to be done expeditiously. Paul Mortenson expressed the opinion that the First Amendment covers this issue; he feels it is a problem without a solution. He gave an example of what some people might see as an attack on a speaker but that did not necessarily become abuse of power and that the meeting should move along without comment. He would leave it up to the discretion of the Chairperson. Mr. Ballon said he sees such an attack to be a mutation of the Open Meeting Law

without protection for the citizen. He said he is only requesting a meeting to see if a set of rules could be established. Jim Thrasher said he always listened to Mr. Ballon and maybe he didn't always agree, but if Mr. Ballon was subjected to abuse at the hands of any official then the Town needs to apologize. Lynda Walsh pointed out that this is something that had been brought up before. She is in agreement that there needs to be some kind of tools to use in tough situations. Mark Sullivan said guidelines would be helpful rather than have anybody have to experience things in the wrong way. He said he does not remember an incident when a Board member behaved in that manner. Paul Feeney pointed out that there has always been mutual respect for each other on the Board and for people in the audience.

7:05 – FY-10 Budget, Article #4 and Approval of Final Warrant – Randy Scollins opened the discussion by saying there is “good news and bad news”. He said Town Administration and the School Administration have balanced the FY-10 Budget with some minor changes. He distributed copies of the Budget.

Randy said they now have a better handle on Snow & Ice and were able to reduce that from ½ Million to \$475,000. He said there was a budget change in State Aid. The Governor's proposal includes Federal Stimulus Money and Foxborough is slated for \$615,488.00, Chapter 70 money. As a result, Randy said this allows the Town to lean less on free cash and can keep the reserve fully intact. Andy Gala reviewed the total summary of changes that were made in order to balance the budget. He noted that the School budget was reduced by \$69,000 and the Municipal budget was reduced by just under \$30,000. Andy gave an explanation of each reduction or adjustment that was made by department in order to achieve a balanced budget.

Comments and questions from the Board included inquiries about the Veterans budget, the reason for the increase and reimbursement by the State and whether these reductions in the budget would have a negative impact on services.

Mark Sullivan pointed out that the School Department had been working on getting funding from the State for the High School renovation project. He asked for a status update on that. Randy Scollins said the State has agreed to fund \$9.4M towards this project provided the Town approves its share of \$10.4M via a debt exclusion. This would be a question to be answered by the citizens on election day, May 4, 2009. The total project is just under \$20M. Randy Scollins said it would be a “shame” for the Town to pass on \$9M. Andy Gala pointed out that if this does not pass and the Town cannot take advantage of State funding, the maintenance issues would still have to be addressed and that would further crowd out other large capital needs. Jim Thrasher asked if there were any community activities supporting the High School project. He noted that in Norwood there had been very strong community efforts to get a school project passed there. Randy Scollins pointed out that the School Department had been

talking about this and promoting it at meetings, etc. for quite some time. Jim Thrasher expressed concern that this has been left to the School Superintendent to promote this package so that the average voter is going to see the importance of voting for a debt exclusion. Randy Scollins said the voters have been very generous over the years when voting for an over ride such as for the Igo School, the Ahern renovation and the Public Safety Building.

Andy Gala said it is important that the Board vote approval of Article 4 on the Warrant. He also noted that four of the Street Acceptance articles have been taken out of the Warrant as they are not ready for approval. Andy read the list of Articles to be approved. He said the By-Law changes had been proposed by Town Counsel.

Motion by Lynda Walsh to vote to approve the 28 Articles on the Warrant for the Town Meeting as submitted by the Town Manager. Seconded by Paul Mortenson. **Vote: 5-0-0**

7:45 – MEPA Process Update – Chairman Sullivan explained that this discussion would not take place unless he heard from the Planning Board that was currently meeting. Lynda Walsh pointed out that the Planning Board would get comments from the Conservation Commission. Paul Mortenson said he had learned a lot since the last meeting and he is no longer looking for an extension regarding action on the MEPA report. He had conversations with people at the Stadium and the Planning Board. He is not certain that the Planning Board is going to go along with the recommendations of the Stadium about traffic issues. Mark Sullivan pointed out that a traffic study had been done by Mass Highway and that any decision is up to the Planning Board. Paul Mortenson feels it is important that comments from the Board should be noted so that should Mass Highway decide to look at this, it would be known that Foxborough officials felt there could be problems. Paul Feeney pointed out that he supports the project but some areas need to be addressed. He feels that the Board should not trample on the Planning Board but should submit comments in the event the Planning Board does not.

Jim Thrasher said there are a number of questions that need to be asked. E-mails have been sent to all departments and Conservation and W&S have responded. Paul Mortenson stressed the fact that the wording has to be very transparent about actions the Board should take and all papers should be available through the Town Manager. Lynda Walsh said the only thing she needed was to hear from the two consultants. Jim Thrasher said he appreciated putting the meeting together and based on comments by Kevin Weinfeld, he feels this project should move forward and there should be every effort to get information out as soon as possible, even if things are going to occur two or three months down the road. He is satisfied that the Board has done whatever it needed to do. Lynda Walsh expressed hope that the Board did not hold this project up. Paul Mortenson agreed with what was being said and he is not sure

the Board is holding anything up. He pointed out the Town has a place holder by making comments and that may be more helpful later on.

Lorraine Brue, 126 mechanic Street, said an issue was raised by Bill Grieder concerning unfunded mitigation fees and that there was talk about the developer paying 25% of the engineering costs and the State funding the balance of improvements. When asked, she said, the developer provided no reassurance that they would do that should there be a need for mitigation. The State has clearly made no statement that any mitigation would be addressed. Mark Sullivan explained that a similar situation arose during negotiations at Patriot Place. He said no developer would make that kind of commitment to unfunded mitigation. Lorraine said the idea was that an agreement would be made through the site review process. She said this did not happen and by not commenting on this, the Town would be faced with a similar situation. She suggested that the approach was to send comments to allow traffic items to be addressed by the developer before giving final approval and that should be separate from the final overall approval.

Motion by Paul Mortenson to recommend further study on intersections 3 & 8, pages 7-5 in the MEPA report giving projected additional volume, submission being conditioned on the Planning Board not all ready making a substantial comment. Seconded by Paul Feeney. **Vote: 5-0-0**

ACTION:

Invitation – Received an invitation from Representative Betty Poirier and Representative Jay Barrows to attend an informational meeting on April 13, 2009 to discuss issues involving school funding.

Contract for Collection of Household Hazardous Waste – Andy Gala asked that the Board approve and sign a contract with Philip Services Corporation for the collection of household hazardous waste.

Motion by Lynda Walsh to approve and sign the contract for the collection of household hazardous waste as submitted by Philip Services Corporation. Seconded by Paul Feeney. **Vote: 5-0-0**

OLD/NEW BUSINESS

Received a request to approve a change of date for the annual Baseball Parade from April 11 to April 18, 2009.

Motion by Jim Thrasher to allow the Little League to hold the Annual Baseball Parade on April 18, 2009 under the usual conditions of approval by Police and Fire. Seconded by Paul Feeney. **Vote: 5-0-0**

Jim Thrasher brought up an issue regarding a call he had received from Attorney Cohen. The Attorney had advised Jim that he was trying to get a bill paid and was told there would be a charge of \$15 to send the bill. He asked Andy to look into whether the Fire Dept. charges of \$15 are made to simply see a copy of a bill.

Motion by Paul Mortenson to go into Executive Session to discuss Police Grievances and a Collective Bargaining update and to exit Executive Session for the sole purpose of adjournment.

Seconded by Lynda Walsh.

Vote: 5-0-0	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.

Lynda Walsh, Clerk