

SELECTMEN'S MEETING MINUTES
October 27, 2009

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

Others Present: Andy Gala, Town Manager
Randy Scollins, Finance Director
Jack Authelet, Historian, Post Cane Award
Gertrude Bresse, Post Cane Award
Hockomock Midget Football Cheerleaders
Judee Harrington and Lisa Downs, Discretionary Fund
Bill Greider, Planning Board, Doug King, Richard Decoste
Debbie Giardino, Recreation Director
Members of the Friends of Camp St. Augustine
Attorney Paul DeRensis, Town Counsel

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

7:00 – Citizens Input – Jack Authelet came before the Board to present the Post Cane to the oldest resident in the Town of Foxborough. He explained the significance of the award. The recipient this year is Gertrude Bresse, 100 years old. Jack spoke of the countless ways in which Gertrude had given back to the community going back to before WWII. Chairman Feeney read the Citation honoring Mrs. Bresse.

Coaches and members of the Hocomock Midget Football Cheerleaders were present to receive a Citation from the Town of Foxborough in recognition of their taking first place in the Hocomock Cheerleading Competition. Chairman Feeney read the Citation.

Judee Harrington and Lisa Downs were present seeking donations for the Discretionary Fund Home Heating Assistance program. Judee Harrington read a prepared statement explaining that anyone in need of help is not turned away even though in these difficult economic times more and more families in Foxborough are seeking help. She pointed out that the goal this year is to raise \$20,000 through fund raisers and private donations. Lisa Downs explained how people could get assistance through the food pantry. Through the Discretionary Fund those who need fuel assistance can apply for the delivery of one tank of oil after the end of November. The Fund serves about 160 households in complete confidentiality.

7:05 – Memorial for North Street Roundabout – Bill Greider came before the Board seeking final approval for construction of a Memorial at the North Street/Chestnut Street Roundabout in memory of Representative Michael Coppola who was instrumental in the State Hospital Project. Bill explained that Mike Coppola was a member of the Planning Board, served on the Board of Selectmen and in the State Legislature. He pointed out that the idea of naming something in Mike's honor was brought before the Planning Board by the Historic Commission. The details of the proposed memorial were displayed visually on a board showing the layout with pillars, a sign of dedication and a flag. Doug King, Developer and underwriter for the monument and Richard DeCoste, Architect, were also present. All the materials for this project would be taken from the State Hospital property. A brief discussion ensued.

Motion by Larry Harrington to approve the final design for the Memorial to Mike Coppola to be constructed at the North Street roundabout. Seconded by Lynda Walsh. **Vote: 5-0-0**

7:20 – Revenue and Budget Discussion – Randy Scollins, Finance Director, distributed a packet of information that included the Proposed FY-2011 Budget Milestone Calendar, Highlights of the Revised FY-10 & Preliminary FY-11 Revenue and Fixed Costs Forecast, An Executive Summary, a Five Year Forecast and a copy of a letter for authorization to issue preliminary tax bills to be signed by the BOS. After reviewing the calendar, Randy explained the reasons for seeking the Board's signatures on the letter authorizing the Town to issue preliminary tax bills. Randy expects to have the final figures within the next 45 days but that would not be enough time to issue full tax bills for payment in time for tax deductions. He pointed out that the preliminary tax would not reflect the new tax rate on evaluations. The preliminary payments would be deducted when the full tax bill is received in the spring.

Randy explained that the 2010 Budget is out of balance by approximately \$900,000. He said this is driven by the State Aid numbers that are finalized at \$248,000 less than planned. In addition, Federal grant money has been adjusted downward by \$90,000. He said that new growth values have not been finalized yet and that additional cuts would be made by the Governor. He said action has to be taken now to address the shortfall. There is a "place holder" on the STM Warrant and he expects to have adjustments made in time for that meeting.

A lengthy discussion was held. Larry Harrington asked whether any consideration has been given to bringing back the meals tax for consideration by the voters. Randy Scollins pointed out that the Town has tried to do everything possible to maintain services and he would recommend the meals tax as a source of revenue for the Town. He said that for 5 months, assuming this would pass at the STM, the Town would receive approximately \$190,000. It was pointed out that salaries make up a very large part of costs for the Town. Discussion was held on whether the Administration had talked to the unions

regarding the fact that the numbers are going to get worse not better and the reality is that the only way to deal with the economic downturn is to either reduce compensation or reduce head count or whether the unions would accept a wage freeze. Randy Scollins said the fixed costs for 2011 are effectively the same as for FY-10 and all departments would have to have a level funded budget. It was suggested that a public hearing be held to get an idea from the Townspeople regarding the meals tax as a source of revenue or face lay-offs or cuts in services. Andy Gala will be meeting with all department heads in the next couple of weeks. Lorraine Brue offered to become involved in these discussions.

7:50 – Board of Recreation – Debbie Giardino, Recreation Director, seeking support for the enhancement and maintenance of the walking and nature trail project at the Cocasset River Recreation Area. She introduced Chuck Drayton representing the Friends of Camp St. Augustine. He gave a presentation of what has been done on the trails and what they hope to accomplish to make a complete circuit of trails beginning and ending at one location at the Cocasset River Recreation Area. He distributed an informational packet including a map of the trails. He pointed out that these trails go through Conservation land and Water Protection areas. He explained that most of the trails are not new but part of a trail system developed for Cocasset River Park. He said the Friends of Camp St. Augustine have been working with Water & Sewer, Conservation, the State Forest personnel as well as Recreation and have received permission to proceed with the project. They have also talked with any private property owners who abut the area and acted upon any of their concerns. Work still to be done includes repair and/or building of two bridges.

Motion by Larry Harrington to adopt a resolution to support the project as presented by the Friends of Camp St. Augustine in conjunction with the Recreation Department. Seconded by Paul Mortenson. **Vote: 5-0-0**

Veteran's Day – Jack Authelet came before the Board seeking support for recognition of WWII Nurses who have served the Country but have not received official recognition. He asked that the Town consider celebrating Veteran's Day by recognizing these nurses with a Certificate of Appreciation. Andy Gala will follow up on that request.

8:20 – Approve Cable License Renewal – Paul Feeney recused himself from this discussion. A brief discussion ensued. Lynn Foell reviewed the highlights of the Comcast License Renewal Contract – a Ten-year contract, \$140,000 revenue per year, payment of \$175,000 in equipment and facility funding, allowing FCA to remain in the present studio until March 1, 2010 and to operate a customer service office in Foxborough or contiguous community. The contract puts everyone, other cable providers, on a level playing field.

Motion by Larry Harrington to approve the Comcast Cable Television License Renewal as outlined. Seconded by Paul Mortenson.

On behalf of the Board, Larry Harrington thanked all who had worked so hard for so many hours negotiating this contract. He recognized Attorney Epstein and Mr. Webber in particular. **Vote: 4-0-0** (Paul Feeney recused)

8:45 – Conservation Commission Appointment – Before full discussion by the Board on this matter, Paul Feeney read the letter from William O. Hocking, Jr., dated October 06, 2006, recommending the appointment of James Marsh as a member of the Conservation Commission. A letter from Deborah Cunniff was also read in which she requested that no party involved in the pending law suit against the Town be appointed to the Conservation Commission.

Motion by Lynda Walsh to appoint James W. Marsh, 6 Brentwood Street, Foxborough, to the Conservation Commission to fulfill the existing vacancy. Seconded by Larry Harrington.

A brief discussion ensued during which members of the Board stated reasons for supporting the appointment of Mr. Marsh or why they would cast their vote for another candidate. The matter of appointing an associate member was also discussed. **Vote: 3-2-0** (Lorraine Brue and Paul Mortenson opposed.)

9:00 – Reply Letter on Police Staffing and Issues at Gillette Stadium – Paul Feeney read a prepared statement that he said was the opinion of one member of the Board. A copy of the statement is attached. Larry Harrington expressed concern that there is no adequate documentation or a formal process to deal with the issues as brought forth by the Patriots. He wants the public to know that the Board does not interfere or try to micro manage the Chief. He pointed out that the Chief has taken steps to try to work through these issues with the Patriots.

A final copy of the letter to Mr. Briggs was reviewed by the Board. Paul Mortenson suggested that the Board go over the response to specific points made by Mr. Briggs in his letters of September 15th and October 13, 2009.

A lengthy discussion ensued. First to be discussed was the issue of having a policy or process for responding to issues raised by the Patriots. Larry Harrington pointed that it is important to have a “closed loop” system, one that would follow a formal process. Lorraine Brue noted that a different process is in place and that things should run more smoothly in the future. In regard to “reasonable” staffing, it was pointed out that the License makes it clear that the Chief of Police has the authority to determine the appropriate staffing to ensure public safety during events at the Stadium. As the Board reviewed the letter, some minor changes were made. In #5 – Change from Previous Staffing Plans, several changes in wording or sentence structure were suggested by the Board. These changes did not change the intent of the letter but clarified some areas. Timely submission of invoices to Gillette for payment of personnel deployments and payment of those invoices was also discussed. Andy Gala pointed out that

union contract adjustments over the past two years such as holiday and weekend pay have contributed to significant increases in costs related to Stadium details. Attorney DeRensis brought up the subject of acceptable risk for discussion. He pointed out that the standard of risk to public safety that has been established by the Police Chief and the standard deemed acceptable by the Stadium are quite different. From a legal point of view, it is the Police Chief that sets the standard for level of risk for the community.

Further discussion was held related to expected results and future dialog with the Stadium on the issues cited in the response to Mr. Briggs' points of concern. Larry Harrington pointed out there are really three issues here – staffing, billing and performance. Paul Feeney said there have been many meetings on these issues throughout the summer. Discussion was then held regarding when the final version of the letter could be signed by the members of the Board and sent out.

Motion by Larry Harrington to authorize the Chairman to sign for the entire Board. Seconded by Paul Mortenson.

Paul Feeney asked if the letter could be sent out on Thursday as that would give time for all members of the Board to sign the final letter.

Motion withdrawn by Larry Harrington. Second withdrawn by Paul Mortenson.

Motion by Paul Feeney to approve the letter as amended. Seconded by Lorraine Brue. **Vote: 5-0-0**

9:15 – STM Warrant Articles – Andy Gala distributed a list of the possible Articles for the STM. Andy advised the Board that Article #5 – Revoke C.3-1, S. 49, Civil Service for Police Chef should be taken off of the list. A brief discussion was held.

Motion by Larry Harrington to withdraw Article 5 from the list of Warrant Articles for the STM. Seconded by Lorraine Brue. **Vote: 5-0-0**

The Board agreed to support Articles 1 – 4, 6 – 11 and 12 – 17.

Andy Gala asked if the Board would be comfortable moving the STM to December 14th pending the availability of the High School auditorium. A brief discussion was held on adding the meals tax proposal to the Warrant.

Motion by Paul Mortenson to include the Meals Tax Proposal to the list of Warrant Articles for STM. Seconded by Lorraine Brue.

Vote: 4-1-0 (Lynda Walsh voted in the negative.)

Motion by Paul Mortenson to move the date for the Special Town Meeting from November 30th to December 14, 2009 pending the availability of the High School Auditorium. Seconded by Larry Harrington. **Vote: 5-0-0**

Motion by Larry Harrington to close the STM Warrant as amended. Seconded by Paul Mortenson.

A brief discussion was held on whether Article #11 – Amendment of Requirements for S-1 District should be removed from the list of Articles.

Vote: 5-0-0

ACTION:

Minutes – The Minutes of the Board of Selectmen’s meeting of October 13, 2009 were reviewed.

Motion by Paul Mortenson to approve the BOS Minutes of October 13, 2009 as corrected. Seconded by Lorraine Brue.

Vote: 4-0-1 (Paul Feeney abstained.)

Invoices – Received from Deutsch/Williams an Invoice for Retainer Services rendered during the month of May, 2009 in the amount of \$4,083.33.

Motion by Larry Harrington to approve the Invoice from Deutsch/Williams for Retainer Services rendered during the month of October, 2009 in the amount of \$4,083.33 as submitted. Seconded by Lynda Walsh. **Vote: 5-0-0**

Received from Deutsch/Williams an Invoice for services rendered through 09/30/09 in the amount of \$174.71.

Motion by Lynda Walsh to approve the Invoice from Deutsch/Williams for services rendered through 09/30/09 in the amount of \$174.71 as submitted. Seconded by Lorraine Brue. **Vote: 5-0-0**

Received from Collins, Loughran & Peloquin an Invoice for services rendered September 1, 2009 through September 30, 2009 in the amount of \$1,341.25.

Motion by Larry Harrington to approve the invoice from Collins, Loughran & Peloquin for services rendered during the month of September, 2009 in the amount of \$1,341.25 as submitted. Seconded by Lynda Walsh.

Vote: 5-0-0

Library Donation – Received from Jerry Cirillo, Boyden Library Director, notice of receipt of a gift in the amount of \$350.00 from Kenneth and Patricia Elovitz to be deposited in the Library Gift Fund.

Motion by Larry Harrington to accept with gratitude the gift from Kenneth and Patricia Elovitz in the amount of \$350.00 to be deposited in the Library Gift Fund. Seconded by Lorraine Brue. **Vote: 5-0-0**

Historical Commission Donation – Received notice from the Historical Commission of receipt of a gift in the amount of \$500.00 from the Rotary Club of Foxboro, Inc.

Motion by Larry Harrington to accept with gratitude the gift in the amount of \$500.00 from the Rotary Club of Foxboro, Inc. to be deposited in the Historical Commission Gift Fund. Seconded by Paul Mortenson.

Vote: 5-0-0

Transfer of Class 2 Auto License – Received from Auto East, 59 Washington St. an application to transfer a Class 2 License from Michael Galloway to Diana Galloway.

Motion by Lynda Walsh to approve the application for the transfer of a Class 2 Auto License from Michael Galloway to Diana Galloway as submitted. Seconded by Larry Harrington. **Vote: 4-0-0**

One Day Wine & Malt License – Received from Bill Cunningham on behalf of The Orpheum Theater an application for a One Day Wine & Malt License for November 13, 2009.

Motion by Larry Harrington to approve the application for a One Day Wine and Malt license for The Orpheum Theater as submitted. Seconded by Lynda Walsh. **Vote: 4-0-0**

Stop Sign Requests – Received notice from Bob Swanson, Highway Superintendent, of a request for installation of a stop sign on Shepard Street at the intersection of Norton Road and a stop sign at the corner of Pine Acres Rd. and Cross Street. A brief discussion was held.

Motion by Larry Harrington to approve the requests for the installation of stop signs on Shepard Street at the intersection of Norton Road and at the corner of Pine Acres Rd. and Cross Street as recommended by the Highway Superintendent and the Police Chief. Seconded by Lorraine Brue.

Vote: 4-0-0

Turf Field in Foxborough – Andy Gala distributed a letter to NFL Grassroots Program to be signed by Board members in support of the Turfs Up efforts to build a turf field in Foxborough.

Motion by Lynda Walsh to approve and sign the letter to NFL Grassroots Program as outlined in the letter dated October 27, 2009, in recognition of the

efforts by Jim DeVellis and his non-profit organization group to build a turf field in Foxborough. Seconded by Paul Mortenson. **Vote: 5-0-0**

Motion by Paul Mortenson to go into Executive Session to review and release Executive Session minutes and to exit from Executive Session for the sole purpose of adjournment. Seconded by Lynda Walsh.

Vote: 5-0-0	Paul Feeney, Chairman	Yes	
	Lynda Walsh, Vice Chairman	Yes	
	Paul Mortenson, Clerk	Yes	
	Lorraine Brue		Yes
	Larry Harrington	Yes	

Motion to adjourn by Paul Mortenson. Seconded by Larry Harrington.

Vote: 5-0-0	Paul Feeney, Chairman	Yes	
	Lynda Walsh, Vice Chairman	Yes	
	Paul Mortenson, Clerk	Yes	
	Lorraine Brue		Yes
	Larry Harrington	Yes	

Meeting adjourned at 11:15 p.m.

Paul Mortenson, Clerk

**Statement read by Chairman Paul Feeney
At Foxborough Board of Selectmen meeting
Tuesday, October 27, 2009
RE: Police details @ Gillette Stadium**

For the better part of the last few years, rank and file police officers, their union, and their safety committee have urged the Board of Selectmen to address a multitude of issues that they felt compromised the safety of the general public as well as their safety on the job. The majority of these concerns deal with the public safety operation for events at Gillette Stadium. I believe it was the previous incarnation of this board, under the chairmanship of Selectman Sullivan that met with the grievants to begin a dialogue in an attempt to resolve many of the issues presented to this board. It should be noted that these matters were brought to light with the board in an official grievance hearing and subsequent

resolution to such. That process is called for in the negotiated contract between the police officer's association and the town of Foxborough, and is therefore a matter for executive session.

The board made it clear from the outset that we choose not to micro-manage the actions of the Chief and we will generally support him in his decisions regarding the running of the police department. The board recognized however, its responsibility in mediating some of the many serious concerns that were presented to us, and take seriously the assertion that public safety may be compromised or that the protection of officers is less than optimal.

The board of Selectpersons asked the grievant to prepare a more streamlined list of concerns for presentation to the board. Additionally, the members of this board began to cull through these concerns and prioritize those which required our action. Ultimately, some of the issues presented by the safety committee were simply dismissed by the board as minor issues that required no action by Selectmen. Others were discussed and remanded back to the Chief to resolve internally with his command staff. In fact, many of the points originally discussed were simply organizational in nature and best dealt with by Chief O'Leary, his command staff, and the rank and file of the Police Department.

In our discussions with Chief O'Leary, the board was made aware of a serious matter that I felt required our immediate attention. Aside from the many internal dynamics that are commonplace in a department and expected to arise from time to time; the Chief was dealing with pressure from an outside organization that aimed to change the way in which public safety personnel was deployed.

Discussions were held concerning the deployment of police personnel at Gillette Stadium. As a result of these very detailed discussions concerning police posts and strategy during events, our police Chief was asked to prepare a deployment template that stipulates an estimate of personnel needed for each type of event at Gillette Stadium. The board did not mandate or place any limits on the Chief regarding any particular post, number of personnel, or individual officers or departments. Though multi-layered, and complicated to prepare, the general objective was simple: To have a document that spells out deployment plans for various events at the stadium, the number of expected police personnel to be assigned, and the posts to which they will be assigned prior to, during, and post event.

In my mind, it was time for Foxborough to formalize our process regarding security deployments at a venue which, by its nature, is a location at risk for terrorist activity. Additionally, I feel strongly that the town should do everything possible to ensure the safety of the visiting public, and the residents of Foxborough during each and every event.

Because no member of this board is an authority in the matters of Public Safety, we must look to our leaders that have been sworn to carry out such responsibilities, and rely on their professional opinion in enacting public safety measures. This board asked our

Police Chief to use his years of experience, and institutional knowledge, as well as the collective intelligence of his command staff and rank and file personnel to prepare a plan, adopt a model, and present to us a template for security deployment at Gillette Stadium. Additionally, we recognize the experience and wisdom of senior management at Gillette Stadium, as does Chief O'Leary. Because of this historic cooperation, and out of fairness to the organization, we asked the Police Chief to present his plan to Stadium management and to take their thoughts, opinions, and critique seriously prior to adopting this new model of deployment.

Chief O'Leary presented his plan to the Board, and delivered a draft to Gillette Stadium management for review. Chief O'Leary subsequently received communication from the head of security operations at the stadium, Mr. Briggs, and the board took the extra step to invite Mr. Briggs and others from stadium management to a meeting of the board held in executive session. This board was thorough in its approach to this matter and took every step to ensure that Chief O'Leary had all the relevant information prior to enacting a new model of security personnel deployment.

It is evident to us that Gillette Stadium management has found fault with the Chief's model, and specifically the number of police personnel in which they will be charged for at each event. Mr. Briggs has communicated such with a letter to this board and the town manager. It would be bad policy to simply not respond to the points laid out by Mr. Briggs on behalf of the Kraft organization. To do so in executive session however, would in my mind, be improper. Each of our discussions to this point has centered on strategy, and specific deployment information that must be spoken of in the protection of executive session. To have public discussions of such matters would put public safety at risk. In contrast, our response to Mr. Briggs' letter is largely a public matter that does not meet the requirements for executive session exemptions. Some information regarding specific plans may need to be redacted but this board is obligated to make much of this information public.

At the end of the day, the decision rests with our Police Chief regarding the specific deployment plan at Gillette Stadium. I can assure the public that this process has been and will continue to be one that is focused on Safety. I am proud that this board has undertaken such an enormous responsibility and has shown true leadership in this matter. Our Police Chief should be commended for producing such a plan, and should be granted every resource possible to effectively manage security at the Stadium.