

SELECTMEN'S MEETING MINUTES
July 27, 2010

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

Others Present: Andy Gala, Town Manager
Randy Scollins, Finance Director
Sue Thibedeau, Animal Control Officer

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

7:00 – Citizens Input – Chris Spinazzola, Christina's Functions, came before the Board seeking approval of an application for a Change of DBA. The management contract for Stoneforge Foxborough ended on June 30, 2010 as an "amicable divorce". The team that has run Christina's Functions for ten years is asking for the Boards' approval for a DBA for Christina's Fireside Grill using the same existing restaurant facility and taking over the restaurant business. Andy Gala pointed out that this would allow them to reopen the business that was closed with the change.

A discussion was held. Larry Harrington asked about the status of the delinquent payments. Andy Gala explained that the police detail has been paid and when the restaurant reopens arrangements will be made to finalize the water bill payment. Larry Harrington explained that when police details are requested the Town has to pay police officers and then have to wait months to get paid by the business and it creates a problem for the Town. There is a history of delinquent payments. Given this history Larry asked if Mr. Spinazzola would be willing to work with the Town to make a deposit up front. Mr. Spinazzola responded "yes". Larry asked that he work with the Town Manager to work out the details. The deposit should not be unreasonable but the cost of the detail should always be within the deposit. A trial period of a year and if timely payments are made could move to a different direction. Jim DeVellis verified that arrangements to pay the water bill would be made after the restaurant reopens. Marjorie Claprod apologized for this situation noting that this type of thing has not happened to them as a family and neither themselves or management staff has not been paid in order to keep current. They have inordinate respect for the firefighters and police officers. They appreciate the good will of the Town and the Board.

Motion by Paul Mortenson to approve the Change of DBA application as submitted by Christina's Fireside Grill. Seconded by Larry Harrington.

Vote: 5-0-0

Lynda Walsh read a prepared statement. "Ever since he joined us 30 years ago Andy has been a pillar in this Town or perhaps I should say a rock. Who but Andy would have had the fortitude to deal with the slings and arrows that have assailed us. Not just the economic and budget issues but all the personnel changes as well as all that IT stuff. Maybe it was Marge Oaks cookies or the treats that Sandra had available on a daily basis that kept you in shape to handle the issues that came your way. Personally I think we all know that it stems from your strong commitment to our Town and its people. It's very sad to be saying Good Bye to Andy but at the same time we know that he leaves us in good shape and going now he has the chance to enjoy that hard earned pension. We all wish you well. I'm sure that the rest of us who have to work into our eighties are a little jealous. This building will be a much emptier place without you but as we honor you by dedicating this room in your name may it serve as a reminder of your quiet like leadership as well as the hope that all who enter to conduct Town business should do so in the same manner as you have over the years. Although we are saying Good Bye to Andy this will not be the last time we see him. I am proud and thankful to announce that he has all ready agreed to stay on as Interim Town Manager and I am sure we will be turning to him for words of wisdom and guidance for years to come. Andy, on behalf of the nearly thirty Selectmen you have worked with over the thirty years here in Town Hall, I wish you the very best and thank you for your commitment and your love for our Town."

Larry Harrington explained why Andy would be serving as Interim Town Manager. Andy was able to figure out a way to fill the gap without having to change all the paperwork that is required when one retires. He thanked Andy for his willingness to stay on until the new Town Manager came and for everything else he has done over the thirty years he has served the Town.

Lorraine Brue also read a prepared statement. "It is not often in our professional and personal life that one crosses paths with someone like Andrew Gala. The complimentary words to describe Andy are numerous. Since I have had the privilege to work and learn from him over the past five years, I would have to say the words that come to mind when I think of Andy are gentleman and unflappable. How many times have I walked into your office and tried to get you flapped, I could not accomplish it and thank you for being a gentleman about it. The ability to combine those traits is a natural skill that not many people can master. One that Andy has demonstrated time after time as he over the years has quietly yet effectively conducted business and provided leadership for our Town. Andy, I wish you and your beautiful family good health and many years of happiness in your retirement. Thank you again for your dedication and commitment to Foxborough. You will be truly missed."

Paul Mortenson said he would not be as eloquent as Lynda and Lorraine. He said he has really enjoyed working with Andy and thanked him for giving an example on how to be as a man and as a person and a professional. He wished him good luck in the future.

7:05 – Dog Bite Interim Order – Sue Thibedeau, Animal Control Officer, came before the Board regarding an Interim Order issued 7/07/10 to restrain a 4-year old Siberian Husky “Calvin” owned by Robert Capece, 2 Ashcroft Lane. This is the third time the dog has bitten. She suggested additional language that the dog be muzzled when taken from the house including when being walked on leash to the pen, that it no longer be tethered that it be always in the pen.

Mr. Capece explained the circumstances of the first two incidents. The dog was leashed in both cases. He was not at home at the time of the last incident. He has discussed this situation with Mr. Hatfield as they have a good relationship. He would abide with whatever the dog officer would recommend to the Board. He explained how he exercises the dog. Sue Thibedeau recommended, based on the fact that the dog has bitten twice when tethered, that the dog be in the pen at all times. She explained why it would not be a good idea to have the dog muzzled while on a run.

Discussion was held including questions about training the dog not to bite. Mr. Capece said the dog did go to obedient school where the dog seemed to be more afraid than aggressive. Jim DeVellis asked what the next step to be taken should there be another incident. Sue Thibedeau said if the dog is loose or bites again then she would recommend the Town at that point order euthanasia; she would not banish any dog that bites.

Motion by Larry Harrington to endorse the order as written by the Dog Officer with the additional proviso that the 4th incident result in a request for euthanasia. Seconded by Paul Mortenson.

Sue Thibedeau added so it is clear that the dog would be walked on leash off the property, the dog is wearing a muzzle and the top of the pen as well as patio bricks around the bottom to make the pen escape proof. Jim DeVellis asked if Town Counsel would comment. Attorney Paul DeRensis said even with a fourth incident the owner is entitled to the due process; it cannot be an automatic course of events. The owners have all the rights to present evidence before the Board if there is any additional evidence of extenuating circumstances. Bob Capece said he is taking this very seriously, has looked at all the factors, has prepared his children for such an event, he is still considering all the options. **Vote: 5-0-0**

7:30 – Veterans’ Agent – Andy Gala advised that he had made a choice for the Veterans’

Agent position. He explained that six of those who applied are veterans, Foxborough residents and had some qualifying background. Mr. Michael Johns meets requirements through training, education, experience and military service. He can begin on the 23rd of August. Andy has enrolled Mr. Johns in a training class on August 25th.

A brief discussion was held. Larry Harrington agreed that Mr. Johns is a great choice and would serve the Town well. Andy Gala said he would still recommend that the Board put together a Veterans Advisory Committee.

7:40 – Interview Process for the New Town Manager – Jim DeVellis reported that he and Lorraine Brue had met as a sub-committee. The goal was to discuss process for the interviews of the candidates. Jim distributed the minutes of the meeting. The process is to ask the Selectmen to send their questions to Town Manager Search Committee; they will work with the consultant to put them all together. He met with Tony LaChapelle who advised that the Search Committee is prepared to present three qualified candidates. Lorraine Brue noted that they had asked Tom Groux, Consultant, to put together a list of the types of questions to be cautious of in terms of any legal landmines. Tom Groux will also consult on the contract. Larry Harrington suggested a separate meeting for interviewing the candidates. A discussion was held on a date and time for these interviews.

Motion made and seconded to accept the minutes of the meeting of the sub-committee for the New Town Manager relating to the selection process.

Vote: 2-0-0

Interim Town Manager – Lynda Walsh reported that she had met with Andy Gala. He has agreed to work with the Town on Tuesdays, Wednesdays and Thursdays, 20 to 25 hours per week. He will not be attending any nighttime meetings including the Board meetings. He will be handling the regular business of the Town until a successor is found. Mention was made about what is going to be done on Mondays and Friday morning. Lynda had mentioned Bob Cutler's name; Andy had not had a chance to speak with Bob. He said he would be as flexible as possible on those days.

Motion by Jim DeVellis to support the contract prepared by Lynda Walsh for Andy Gala as Interim Town Manager. Seconded by Paul Mortenson.

Larry Harrington pointed out that the negotiated rate of pay at \$100/per hour with no additional benefits is a fair and competitive rate based on market value. He is very grateful that Andy is willing to help the Town in that capacity.

Vote: 5-0-0

ACTION:

Invoice – Received from Deutsch/Williams an invoice for retainer services in the amount of \$4,083.33 for the month of July, 2010. .

Motion by Larry Harrington to approve the invoice in the amount of \$4,083.33 for retainer services from Deutsch/Williams for the month of July, 2010. Seconded by Paul Mortenson. **Vote: 5-0-0**

Independent Sportsmen's Club – Received from George J. Bohnenberger on behalf of the Independent Sportsmen's Club, a request to conduct shooting events starting at 10:00 a.m. on Sunday 8/29 for the Annual Field Day. A brief discussion was held.

Motion by Paul Mortenson to approve the request to conduct shooting events on Sunday, August 29, 2010 as submitted by the Independent Sportsmen's Club. Seconded by Jim DeVellis. **Vote: 5-0-0**

Accept Grant from Mass. Office of Public Safety – Received from Sgt. Richard H. Noonan, Jr. notice that the Foxborough Police Department has received a \$5,000 grant from the Mass. Office of Public Safety and Security to help combat underage drinking and to decrease the availability of alcohol to those under age twenty-one. A brief discussion was held. Larry Harrington thanked Sgt. Noonan, Jr. for writing the grant and getting the grant. Larry also commented that anything that can be done in the way of combating underage drinking and make the public more aware of the dangers of driving and drinking is very important.

Motion by Jim DeVellis to accept with thanks the \$5,000 grant as described in the letter from Sgt. Noonan, Jr. dated July 19, 2010. Seconded by Lorraine Brue. **Vote: 5-0-0**

Changes to Liquor Statute MGL Ch. 138, Section 33B – Received from Rich Hucksam, Deutsch/Williams, an email regarding the recent amendment of M.G.L. ch 138, s 33B on Sunday morning alcohol sales.

Andy Gala explained that the Town had accepted the statute 2005 by doing that the Town has the authority to consider whether the Board wants to hold a hearing, make a blanket approval or whether the Board wants them to apply individually. A discussion was held. The Board agreed that it would rather each restaurant request on an individual basis. Andy Gala advised that regardless of which process is chosen, a Public Hearing is required.

Tour of the High School – Andy Gala said he had received a phone call inviting the Board to a walk-through of the High School on Thursday of this week at 12:00 noon to 2:00 p.m. to review the progress on the project.

NEW/OLD BUSINESS

Lynda Walsh thanked the Public Safety personnel for dealing with the torrential rains that came down on Saturday, again closing roads and taking care of vehicles stuck in water under a bridge.

Lynda reminded the Board that a date for Goals & Objective meeting is still to be determined. Wednesday after August 21st was suggested.

Lorraine Brue asked the Board to consider an Executive Session to discuss matters of underage drinking and problems with drunk drivers and the whole issue of public safety with the Chief and his staff. In light of recent litigation an update would be appropriate she would like a recap of all that was done last year and to make sure everything is in place particularly because of the Country Music Festival coming August.

A lengthy discussion was held on the necessity of having this discussion in Executive Session; pro's and con's were discussed. Lynda Walsh suggested contacting the Chiefs asking for discussion on this matter and if they feel the need to talk about numbers or location of personnel then the Board could move into executive session at that time. Lorraine said the discussion that she would want to have would relate to security and level of staffing, certain aspects of staffing, it would qualify for executive session. After further discussion Lynda Walsh suggested this should be an agenda item for the next meeting and to schedule an executive session to discuss strategy with respect to the law suit.

Andy Gala noted there are two contractual provisions - one signed for a particular event that the Town is held harmless and a provision in the Stadium Lease Agreement about the Town being indemnified from litigation. He said the Town is not the only one being sued. Lorraine asked that George Bell be invited to discuss their observations at the open meeting and the executive session.

Motion by Paul Mortenson to adjourn. Seconded by Jim DeVellis.
Vote: 5-0-0

Jim DeVellis, Clerk