

SELECTMEN'S MEETING MINUTES
May 25, 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
Philip Henderson, W&S Commission
William Euerle and Mike Stanton, W&S Commission
Attorney Peter Epstein
Lynn Foell, Cable Television Advisory Committee
Peter Bowman, Verizon New England, Inc.
Bob Boette, Conservation Commission
David Will, Conservation Commission Candidate
Bob Swanson, Highway Superintendent
Katherine Molina, 144 South High St.

The meeting was brought to order at 5:30 p.m. by Lynda Walsh, Chairman.

This was a joint meeting with Water & Sewer Commissioners.

Phil Henderson called the W&S meeting to order to discuss the exchange of real property.

Motion by Bill Euerle to go into a joint Executive Session to discuss the exchange of real property. Seconded by Mike Stanton.

Vote: Phil Henderson, Chairman Yes
Bill Euerle, Commissioner Yes
Mike Stanton, Commissioner Yes

Motion by Larry Harrington to go into a joint Executive Session to discuss the exchange of real property and to exit Executive Session to return to the regularly scheduled 7:00 p.m. meeting of the Board of Selectmen. Seconded by Lorraine Brue.

Vote: Lynda Walsh, Chairman Yes
Larry Harrington, Vice Chair. Yes
Jim DeVellis, Clerk Yes
Lorraine Brue Yes
Paul Mortenson Yes

5:30 – Executive Session – 7:00

7:00 – Citizens Input – Janet Sullivan-Kennedy, 45 Cocasset Street, came before the Board to express her concerns about speeding traffic near Maple and Sherman Streets. The speed limit is supposed to be 20 miles per hour and traffic goes along there at 50/60 mph. especially during the hours of 6:30 and 9:00 a.m. and 4:30 and 6:30 p.m. Janet also noted that while the search for a new Town Manager is in process, the Town should consider establishing a Human Resource Department. She noted that this would leave the Town Manager to take care of affairs of the Town and the Human Resource Department would take care of hiring of Town employees.

Dick Heydecker referred to an email he sent to the Board regarding his concerns for the economic issues facing the Town. He highlighted some of those concerns. He pointed out that the budget goes up about \$3M per year, overtime is out of control, renovation for the Town Hall and the W&S projects are facing the Town. He would like to see full accounting as to how the money is used for overtime. He spoke about pay raises with step increases included and the ever increasing costs of insurance. He feels the BOS should address these three issues in an open and transparent manner.

Lynda Walsh read a statement apologizing for a violation of the open meeting law when members of the Board attended a meeting of the School Committee. The meeting was not posted. She reminded the citizens that the Board is trying to make a difference in the Town by being involved in strategic planning. She offered assurance that measures would be taken to be sure this does not happen in the future.

7:05 – Public Hearing – Verizon Cable License – Attorney Peter Epstein, Lynn Foell, Cable Television Advisory Committee Chairman, Mr. Peter Bowman, Vice President for Verizon were present for the hearing. Lynda Walsh, BOS Chairman, gave a brief statement on the background of negotiations with Verizon leading up to this point. Attorney Peter Epstein reviewed the final license terms and conditions. He noted that the license is for 11 years, one year longer than that with Comcast but in all other aspects the two contracts are the same. Peter Bowman, Vice President for Verizon noted that negotiations had been cooperative and that Verizon is happy to offer services to the people of Foxborough. Larry Harrington asked about policies on waiting time on service calls as well as addressing problems that may arise for customers. Peter Bowman explained that the policy is not to have customers on hold and to do repairs on the same day if possible. He pointed out that service is critical and lines are open 24/7. Lynn Foell said his Committee recommended granting this license. He said the effective date would be right after this meeting. Lynn also reviewed the highlights of the contract noting that it mirrored the contract with Comcast except that it is an 11 year contract. A brief discussion followed with

comments regarding service to public buildings, channels for FCA and capital funding.

Motion by Paul Mortenson to close the Public Hearing. Seconded by Jim DeVellis. **Vote: 5-0-0**

Motion by Paul Mortenson to enter into the Cable Television Final License agreement and to grant said License to Verizon New England, Inc. as submitted. Seconded by Lorraine Brue. **Vote: 5-0-0**

Lynn Foell asked that the Cable Television Advisory Committee remain effective.

8:05 – Interviews – Conservation Commission – Bob Boette, Conservation Commission Chairman, gave a summary of his qualifications and responsibilities as Chairman of the Commission. A brief discussion was held. Bob Boette explained that the other two members of the Commission who are seeking reappointment were unable to attend. He gave a brief summary of the responsibilities of Allan Curtis and Doug Davis both of whom have served several years on the Commission.

David Will, candidate for appointment to the Conservation Commission, pointed out that this is the third time he has interviewed for appointment. He gave a brief overview of his qualifications. Members of the BOS spoke about the dedication of time, attendance at meetings, particular areas of interest and knowledge of wetlands regulations. The process for interviewing and/or appointing candidates to boards or committees was discussed.

Motion by Lorraine Brue to appoint Bob Boette, Allan Curtis and Doug Davis to the Conservation Commission for a three year term. Seconded by Larry Harrington.

Motion to amend the motion to include David Will. No second.
Vote: 4-0-1 (Paul Mortenson abstained.)

8:45 – Bob Swanson – Green Street Intersection – Bob Swanson, Highway Superintendent came before the Board with a proposal for the layout of Old Green Street at the intersection of Route 106. This layout creates a dead end at Route 106 and Old Green Street. Bob submitted a drawing of how this would change the traffic pattern and provide safety for residents in the area. A general discussion was held. Katherine Molina, Mary Horgan and Doug Miller, residents of the neighborhood, voiced their concerns regarding the traffic on Old Green Street and agreed that this change would be an acceptable resolution. In his memo of May 19, 2010, Bob Swanson outlined the scope of work to be done and attached a breakdown of costs. The total cost \$11,403.00.

Motion by Larry Harrington to authorize Bob Swanson, Highway Superintendent, to proceed with the closure of Old Green Street at Route 106 as presented and tweak if necessary. Seconded by Lorraine Brue.

Vote: 5-0-0

9:05 – Update – Town Asset Review Committee – Lorraine Brue distributed copies of the update. She reported that deed research on 26 parcels has been completed. Appraisal for the fire station property is at \$470,000. Parcels for auction include Lots 530, 526, 522 in Nadia Estates. Conservation is reviewing three other parcels including a vernal pool; there may be a transfer to Conservation. Garret Spillane Road parcel, record plan is on file with the Town.

Motion by Larry Harrington to move forward with the auction of Lots 530, 526 and 522 as reviewed by the Town Asset Review Committee. Seconded by Paul Mortenson. **Vote: 5-0-0**

Motion by Jim DeVellis to add the Garret Spillane Road parcel to the property to be put out for auction. Seconded by Paul Mortenson.

Vote: 4-1-0 (Larry Harrington voted in the negative.) Larry expressed concern about more building and the impact on schools and the cost of services.

Other parcels for sale via RFP include 19.5 acres on Belcher Rd. zoned light industrial, Lincoln Hill 5 lots, discussions on going with W&S and Conservation regarding re-assignment of Town ownership of the remaining Lincoln Hill property, a paper street off Cocasset (Bob White Lane) for 5 parcels of land. Further research is underway regarding Quaker School and Community Way School properties.

A brief discussion was held. Lorraine Brue noted that funds from the sale or auction of these properties are to be used only for capital improvements. Comments from the Board included the renovation of Town Hall, space needs, temporary location for Town administration during renovation and new building vs. renovation costs.

Motion by Paul Mortenson to appoint Lorraine Brue as Chairman of the Town Hall Renovation Subcommittee. Seconded by Larry Harrington.

Vote: 5-0-0

9:25 – Jim DeVellis – Turf Field Update – Jim DeVellis gave a brief update regarding the Turf Field at Foxborough High School. He noted help from local businesses such as Bay Colony Surveying Co., Tree Tech and the Kraft organization; a grant was applied for and received. He is encouraged when everyone comes together to get this done and is now looking to the “second push”. He thanked all those who have helped to keep this idea moving. He has checked with the State Ethics Commission to be sure there is no conflict of interest and has been assured there is none. He wanted to make sure there is

no perception of or misunderstanding of conflict of interest issues. Lynda Walsh pointed out that Jim has made a statement to the Town Clerk that nothing being done is in anyway going to be of personal financial benefit. Other members of the Board expressed their support for Jim on this project.

ACTION:

Minutes – The Minutes of the Board of Selectmen’s Meetings of April 27, May 10 and May 11, 2010 were reviewed.

Motion by Paul Mortenson to approve the Minutes of April 27, 2010 as amended. Seconded by Larry Harrington. **Vote: 4-0-1**

Motion by Larry Harrington to approve the Minutes of May 10, 2010 as submitted. Seconded by Paul Mortenson. **Vote: 5-0-0**

Motion by Jim DeVellis to approve the Minutes of May 11, 2010 as amended. Seconded by Paul Mortenson. **Vote: 5-0-0**

Legal Invoices – Received from Attorney Peter J. Epstein an invoice in the amount of \$3,520.00 for services rendered for the month os April, 2010, regarding Cable Television Licensing.

Motion by Larry Harrington to approve the invoice from Attorney Peter J. Epstein in the amount of \$3,520.00 as submitted. Seconded by Paul Mortenson. **Vote: 5-0-0**

Received from Collins, Loughran & Peloquin, P.C. an invoice in the amount of \$5,226.25 for services rendered in the month of April, 2010.

Motion by Lorraine Brue to approve the invoice in the amount of \$5,226.25 as submitted by Collins, Loughran & Peloquin, P.C. for services rendered during the month of April, 2010. Seconded by Larry Harrington. **Vote: 5-0-0**

Received from Deutsch/Williams an invoice in the amount of \$6,616.68 for services rendered through April 30, 2010. Detail of charges accompanied invoice.

Motion by Paul Mortenson to approve the invoice in the amount of \$6,616.68 from Deutsch/Williams for services rendered through April 30, 2010. Seconded by Larry Harrington. **Vote: 5-0-0**

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

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

Eight One Day All Alcohol Licenses – Received from First & Goal, Fred Smerlas, a request for eight (8) One Day All Alcohol Licenses for the 2010 Patriots regular season game days.

Motion by Paul Mortenson to approve the request for 8 One Day All Alcohol Licenses for the Patriots regular season as submitted by First & Goal, Fred Smerlas, President. Seconded by Larry Harrington. **Vote: 5-0-0**

MMA Leadership Conference – Received from Geoffrey Beckwith and Colleen Corona an invitation to attend the MMA's Statewide Leadership Conference, June 12 at Old Sturbridge Village. No action taken.

Appointment to Commuter Rail Task Force – Received from James F. Oliver, 126 N. Carl Annon Court a request for appointment to the Southeastern MA Commuter Rail Task Force for a one-year term.

Motion to appoint James F. Oliver, 126 N Carl Annon Court to a one-year term on the Southeastern MA Commuter Rail Task Force as submitted. Seconded by Paul Mortenson. **Vote: 5-0-0**

Hackie License Application – Received from Francis Joseph Reynolds, Jr. 177 East St., North Attleboro an application for a Hackie License to drive for East Coast Limousine. A brief discussion was held.

Motion by Larry Harrington to approve the application for a Hackie License for Francis Joseph Reynolds, Jr. to drive for East Coast Limousine as submitted. Seconded by Paul Mortenson. **Vote: 5-0-0**

Comcast Lease at Hill Street – Received from Leo R. Potter, W&S Superintendent, notice that Comcast is not going to renew the lease for the tower and appurtenances at Hill Street. Comcast has offered take the tower and appurtenances down and remove them from the site. Andy Gala explained that the Town has no interest in the tower.

Motion by Larry Harrington to not accept the offer made by Comcast for the tower and appurtenances as the Town has no interest. Seconded by Paul Mortenson. **Vote: 5-0-0**

Library Donation – Received from Jerry M. Cirillo, Library Director, notice of receipt of a donation in the amount of \$3,950.00 from Lakeview Pavilion Charitable Foundation Corp.

Motion by Larry Harrington to accept with gratitude the donation in the amount of \$3,950.00 for the Boyden Library Gift Fund from Lakeview Pavilion Charitable Foundation Corp. Seconded by Paul Mortenson. **Vote: 5-0-0**

Donation – Received from Foxboro Cable Access, Inc. a donation in the amount of \$1,830.00 to the Legal Fund for Cable TV License.

Motion by Larry Harrington to accept the donation from Foxboro Cable Access, Inc. in the amount of \$1,830.00 for the Legal Fund for Cable TV License. Seconded by Paul Mortenson. **Vote: 5-0-0**

Open Meeting Law Concerns – Received a request from Christopher G. Timson, BOS Town of Walpole, for support of their concerns regarding the new Open Meeting Law regulations. A brief discussion was held. Andy Gala will bring this up in a meeting with Representative Jay Barrows.

SERSG – Paper Supply Award – Received from SERSG notice of the award of contract for paper supplies to W. B. Mason Co., Inc.

Motion by Larry Harrington to approve the paper supply award to W. B. Mason Co., Inc. as outlined in the memo from SERSG. The award is for the Fiscal Year 2011. Seconded by Paul Mortenson. **Vote: 5-0-0**

SERSG – DPW Supplies – Received from SERSG list of contracts awarded to bidders for SERSG DPW Supplies IFB for a twelve month period commencing 7/01/10.

Motion by Larry Harrington to approve the list of contracts awarded to bidders for SERSG DPW Supplies IFB as submitted by SERSG on the Contract Award Sheet for FY 2011. Seconded by Paul Mortenson. **Vote: 5-0-0**

Turtle Crossing Signs – Andy Gala gave a brief background on the request for Turtle Crossing signs. Bob Swanson in his memo to Town Manager said he has replaced the signs on Cocasset Street once and they are again missing. Bob Swanson would be willing to install posts for the signs if volunteers would be willing to attach their own signs.

Founders Day Planning Committee – Received notice from IRS of receipt of an application for exemption from Federal Income Tax but no user fee was included. The application cannot be processed unless the user fee is paid.

Motion by Paul Mortenson to approve payment of the user fee for Federal Income Tax exemption. Seconded by Jim DeVellis. **Vote: 5-0-0**

Invitation – Received from Paul Civitarese an invitation to attend the Eagle Scout Court of Honor for Jeremy P. Gygi scheduled for June 12, 2010.at

4:00 p.m. at The Church of Jesus Christ of Latter-day Saints, 76 Main Street, Foxborough. A Board member will attend.

Qdoba Mexican Grill – Received from ZRC Operations Co. d/b/a Qdoba Mexican Grill an application for a Common Victuallers License and a 7-Day Entertainment License. A brief discussion was held.

Motion by Larry Harrington to approve the application for a Common Victuallers License as submitted by ZRC Operations Company d/b/a Qdoba Mexican Grill. Seconded by Paul Mortenson. **Vote: 5-0-0**

Motion by Paul Mortenson to approve the application for a 7-Day Entertainment License as submitted by ZRC Operations Company d/b/a Qdoba Mexican Grill. Seconded by Lorraine Brue. **Vote: 5-0-0**

Block Party Request – Received from the residents of Fales Place a request for permission to hold a block party on Founders Day at 11-12 Fales Place, hours are from 12:00 noon until 10:00 p.m.

Motion by Paul Mortenson to approve subject to Police approval, the request to hold a block party on Founders Day as submitted by Fales Place residents. Seconded by Lorraine Brue **Vote: 5-0-0**

Special Permit Hearing – Received from Marc Resnick, Town Planner, notice of a Public Hearing for a Special Permit at 96 Washington Street for a Temporary Parking Lot. Comments will be submitted two days prior to the Public Hearing at 7:15 p.m., Thursday, May 27, 2010.

NEW/OLD BUSINESS

Randy Scollins asked to change his role as a voting member of the Insurance Advisory Committee. He asked to remain on the Committee as an ex-officio member. The reason for this request is because Randy is a contractual employee; he suggested his role be filled by a non-union employee.

Motion by Larry Harrington to appoint Randy Scollins as an ex-officio member of the Insurance Advisory Committee. Seconded by Paul Mortenson. **Vote: 5-0-0**

Motion by Larry Harrington to appoint Lisa J. Sinkus as a replacement on the Insurance Advisory Committee. Seconded by Paul Mortenson. **Vote: 5-0-0**

Andy Gala asked if the Board had reviewed the candidates for election to the Boston Region Metropolitan Planning Organization. A brief discussion was held regarding the candidates and the process for submitting the vote.

Motion by Jim DeVellis to recommend Mayor William Scanlon of Beverly, MA. Seconded by Larry Harrington. **Vote: 5-0-0**

A brief discussion was held concerning changes that could save the Town money in the long run such as consolidation of services, joining a consortium of towns for certain services and making changes in insurance contributions.

Motion by Paul Mortenson to go into Executive Session to discuss litigation and to exit Executive Session for the sole purpose of adjournment. Seconded by Jim DeVellis.

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

Meeting adjourned at 10:45 p.m.

Jim DeVellis, Clerk