

**SELECTMEN'S MEETING MINUTES**  
**November 9, 2010**

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

Others Present: Kevin Paicos, Town Manager  
Randy Scollins, Finance Director  
Police Chief O'Leary  
Fire Chief Roger Hatfield  
Cindy Peterson, Brigham & Women's/Health Center

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

**7:00 – Citizens' Input** – Kevin Paicos, Town Manager, reported that Cindy Peterson, Brigham & Women's Hospital and Fire Chief Hatfield were unable to be at the meeting at 7:00 p.m. but would come in to speak later during the meeting.

**7:05 – Public Hearing – Discussion of Future Use of Old Fire Station and 21 Market Street** – Lynda Walsh explained that there was no Public Hearing Notice. This would be for discussion only. Lorraine Brue gave a brief overview of discussions held by the Town Asset Review Committee. They have been reviewing Town owned properties to see if some could be brought back onto the tax rolls. One solution by the Committee is to auction off small pieces of property to help fund the much needed renovation of the Town Hall. After speaking with Kevin Paicos, an auction seems to be the way to go; auctioning off both the old Fire Station and the contiguous Market Street property at the same time. A Home Rule petition would have to be placed on a Town Meeting Warrant. It is important to open this up to the public as the Town moves forward with the sale of a prime piece of real estate in Town. The Town Asset Review Committee has started discussions with the Planning Board, Water & Sewer and the Historical Commission.

Robert Hicks, Historical Commission, said the Commission would be very willing to participate in any discussions but the main focus of the Commission is the preservation of historical records, etc. and any input would be limited primarily to the streetscape around the Common. Kevin Paicos pointed out that when the Town gets to the point of selling the property certain restrictions can be included in the process so that the historical features of the Town can be maintained. A list of restrictions could be incorporated into the sale document. He said the Town needs to proceed cautiously to achieve something the

community would be happy with. Bill Casbarra, Building Commissioner, spoke briefly regarding by-laws, permits and use changes. He pointed out there are several steps required before the developer can proceed; any restrictions have to be included in the conditions of the sale.

A lengthy discussion was held. Concern was expressed regarding the issues raised in light of selling, at the same time, the Old Fire House and the contiguous Market Street property. Jim DeVellis cautioned about moving forward too fast with changes in zoning just to anticipate selling this property. He said the Town needs to look at the bigger picture not just the old fire house property. Kevin Weinfeld said there are things that can be done by the Planning Board that would be helpful to the process, such as considering an overlay district. It is going to depend on how quickly the sale of the property happens; there would have to be some real "give and take" such as developed with the State Hospital property. Gordon Greene pointed out that consideration needs to be given to the overall plan for sewer accessibility in the down town area; this should be part of the total plan. Kevin Paicos pointed out that there are other alternatives such as leasing the property and taking time to re-evaluate this issue; possibly holding on to the property and selling when the market is better. Dick Heydecker asked if the Town would incur expenses relevant to asbestos and other toxic materials remediation. Kevin Paicos said the Town would be required to do a Tier 2 evaluation relative to any issues on site. This could be made part of the sales process. The cost is approximately \$5,000.

Judy Johnson, Conservation Commission, expressed her concerns about the preservation of open space when it comes to considering other parcels on land on the list of Town owned property. She asked that the Board keep open space in mind as they address other property.

**7:35 – Public Hearing - Proposed Amendment – Liquor License Regulations**  
– Jim DeVellis, Clerk, read the Public Hearing Notice. The purpose of this Public Hearing is to discuss a proposed amendment to the *"Rules and Regulations of Holders of Alcoholic Beverage Licenses in the Town of Foxborough"*.to add a new paragraph 21 to read as follows:

As of May 1, 2011, no person may sell or serve alcoholic beverages that has not been trained on Responsible Beverages Service (TIPS, TEAM, SAFE SERVE, ETC.). No Licensee shall hire a person after that date that does not have a Certificate of Training, and all Staff will be re-certified every other year. The Manager shall maintain a roster of employees and copies of said certification readily available for inspection.

Chief O'Leary explained that this is part of a continuing effort by his Department and community groups to come up with different strategies to reduce the use of alcohol. Based on research, servers who receive such training are less likely to serve underage customers or those who are all ready impaired by

too much alcohol. He pointed out that seminars on these programs are available as well as certification on line. His Department will be offering two free training sessions. One Beer & Wine Licensee expressed concern about the cost of these programs. The gentleman explained that his business only sells beer & wine and that any consumption would be “off premises”. He wanted to make it very clear that he does not serve alcohol at his place of business. He was grateful to know that the Chief was offering two free sessions. It was pointed out that the cost may vary according to the particular training course. Chief O’Leary asked to have this mandated as part of the Liquor License. David Brown, 17 Merigan Way, said he thought this is a great idea. He suggested adding employees who do not necessarily serve alcohol but who may interact with patrons such as bouncers and hosts/hostesses. The Manager of the 99 Restaurant explained that their servers are all required to take training sessions as developed by the 99 corporation and approved by Chief O’Leary. She asked if that would still be an acceptable program in light of the proposed license change. Further discussion was held with suggestions on what wording to include in this proposed change.

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

Motion by Jim DeVellis to support Paragraph 21 as follows:

“As of May 1, 2011, no person may sell, serve or offer at the premises alcoholic beverages that has not been trained on Responsible Beverages Service (TIPS, TEAM, SAFE SERVE or other Foxborough Police Chief approved program, etc.) No Licensee shall hire a person after that date that does not have a Certificate of Training, and all Staff will be re-certified every other year. The Manager shall maintain a roster of employees and copies of said certifications readily available for inspection.” Seconded by Larry Harrington.

**Vote: 5-0-0**

**Donation of EKG** – Fire Chief Roger Hatfield introduced Cindy Peterson from the Brigham & Women’s/Mass General Health Care Center at Patriot Place. Ms. Peterson said the health center has been open for two years and since that time many services have been added including an urgent care unit as of September. She explained that this equipment is used in cases of critically ill or injured persons. Speaking for all at the health center, Cindy said they are delighted to be part of the neighborhood. The Center has donated the EKG equipment to the Foxborough Fire Department. Chief Hatfield said this machine would replace old equipment on Engine 24. The Board expressed gratitude for the gift of the EKG machine.

**8:00 – Invoice for Legal Services – Discussion** – Larry Harrington said he had, at the last BOS meeting, questioned the item on the invoice from Deutsch/Williams in the amount of \$9,742.09 relating to Town Manager Background Check. The background review which started at about \$1,500 “ballooned” to \$14,000. Larry questioned that. He read from a prepared

statement suggesting that Lorraine Brue had “gone off on her own investigation” without going through the Board chairman thus the increased legal costs. He said every Selectman has the right to raise questions. He expressed concern about “unnamed sources” that seemed to be the basis for further investigation as requested by Lorraine Brue. He felt these issues raised by Lorraine Brue were unnecessary and inappropriate. Some of the questions asked should have been answered with a simple “yes” or “no”; it should not have taken 12 hrs. Larry felt that Town Counsel should have notified the Board when it became apparent that the costs were increasing for this investigation. He asked Kevin Paicos to seek a credit for these “outrageous” charges.

Lorraine Brue responded to comments made by Larry Harrington. She read from a prepared statement pointing out that the questions she raised were part of any routine background check. She rebutted a number of points in Larry’s statement and Lynda Walsh confirmed that Lorraine had followed correct protocol, getting approval of the Chairman and Town Manager before posing any questions about the background check to Town Counsel. Lorraine also corrected the record that she did not use Town Counsel for personal advice as characterized by Larry in his statement. She had consulted with both Lynda and Andy Gala before reviewing the potential litigation against her and the Town with Town Counsel. She felt the information was important to all members of the Board in making the right decision for the Town.

Lynda Walsh asked that the invoice be reviewed by Town Counsel and if necessary have the Town Counsel come before the Board to go over the bill. Kevin Paicos suggested the Board review the nature of the agreement between Deutsch/Williams and the Town. He pointed out that there a number of other things that can be charged to the Town outside of the retainer and that is a “gray” area that needs to be reviewed. Further discussion was held regarding the process for obtaining information, the number of hours spent as itemized on the invoice from Deutsch/Williams and the charges for time spent researching and providing answers to the questions submitted by Lorraine Brue. Kevin Paicos noted that when making a choice of this nature, the Town has to be really sure of the facts. He does not feel there is any animosity as to the process. He said most law firms work through a retainer contract but that sometimes results in additional areas not covered by a retainer. Most Boards have a policy on this and should not increase the legal costs to the tax payers unless the Board agrees after consulting with the Town Manager. He said when he relays the events of this meeting to Attorney DeRensis, he is quite sure Deutsch/Williams would send a credit memo but Attorney DeRensis would not want to go through an explanation of this bill. Kevin said he hopes the Board would agree to that. Lynda Walsh asked Kevin to draft up a policy for consideration by the Board.

**8:10 –Parking Lot Lottery Update & Revenue Projections –** Randy Scollins, Finance Director, reported that the opening date for the Parking Lot is scheduled for December 6<sup>th</sup>. Parking spaces will be available through a lottery system.

Applications for the Lottery are available and would be drawn November 29, 2010 at 9:30 a.m. GATRA will provide transportation to the Mansfield station at no extra charge. All parking spaces are to be assigned.

Randy Scollins distributed the “Milestone Calendar” outlining the schedule of meetings and deadlines for all Departments, Boards and Committees during budget preparation. He explained that he had all ready brought this before the School Business Administrator and the Advisory Committee.

Randy also distributed an Executive Summary for FY 2012 Estimates for a Balanced Operating Budget. Randy pointed out that the numbers from the State Aid revenue would not be available until end of February or after March 1<sup>st</sup>. Randy reviewed the changes for FY-2012 estimates. Kevin Paicos noted that a 4% cut in State Aid has been used as an estimate for determining total available revenue, thus drastically reducing revenue projections by \$639,000. This number includes funding the O.P.E.B.account by \$300,00. At this point in time the numbers show a 1.6M deficit. Kevin Paicos said the “good news” is that the electric contract has been re-negotiated to a 25% decrease plus an additional year resulting in a saving of \$150,000 over three years. Randy Scollins pointed out there are a few steps that can be taken to bring about a balanced budget for future Town budgets – 1) persuade all employee groups to accept a zero salary increase for this year, 2) pursue a meal tax that would provide a “life line” for Foxborough and 3) seek some relief from the assessment by Norfolk County Pension Board.

A general discussion was held regarding existing debt exclusion costs, ways to continue funding the O.P.E.B. account, and possible changes in the retiree health benefit plan, taking a closer look at the pension program and zero salary increases or no COLA increase. Randy Scollins pointed out that there was a lot of work to be done in the next few months. A draft of the “Financial Forecast: FY 2011 – 2014 For General Fund Operating & Capital Budgets” was distributed for further review by the Board.

**ACTION:**

**Request for Early Opening Time on Sundays** – Received from Robert Hovis on behalf of Bar Louie a request for early opening hours on Sundays beginning at 11:00 a.m. on Sundays. A brief discussion was held. Jim DeVellis expressed concern regarding earlier violations. He said if, after a year, all new liquor service rules established by Bar Louie have been effective, he would be more willing to support this request.

Motion by Paul Mortenson to approve the request by Bar Louie for an extension of hours to 11:00 a.m. on Sundays for the serving of alcohol with food, subject to existing license conditions and to approval by Chief O’Leary. Seconded by Lorraine Brue.

**Vote: 4-1-0** (Jim DeVellis voting in the negative.)

**8:40 – Strategic Planning of Goals & Objectives** – Kevin Paicos, Town Manager, asked that this discussion be scheduled for a later meeting.

**9:10 – Special Town Meeting Warrant Recommendations** – A total of 22 items were listed; two have been removed. A brief discussion was held regarding the possible date for a STM, possibly January 24, 2011. Kevin Paicos asked that Board to allow a couple of weeks before making the date a definite. He expects to establish a definite date in time for the next Board meeting and expects to have a Draft Warrant ready for that meeting.

**9:25 – Administrative Report and Intern Funding** – Kevin Paicos submitted a Town Manager’s Report” for October, 2010. He explained that this report was to bring the Board up to date on numerous meetings and actions taken as Town Manager during the month on issues that impact the Board and the Town. He hopes the Board will find it a valuable tool to keep the lines of communication open for discussions at each Board meeting.

In a memo to the Board, Kevin said he had spoken to a graduate student to serve as a Management Intern. He pointed out that for a relatively small investment his experience using an intern who is capable of doing work at a level of a full time staff person, has been a positive and productive experience. He would like to hire Tim Cummings at \$10/hr. for 10hrs./week. Kevin asked that the Board agree to a \$5,000 transfer from the Economic Development account to fund this position. A brief discussion ensued.

Motion by Lorraine Brue to approve a transfer from the Economic Development account up to \$5,000 as requested by the Town Manager. Seconded by Paul Mortenson. **Vote: 5-0-0**

**ACTION (continued):**

**Minutes** – The Minutes for the Board of Selectmen’s Meeting of October 26, 2010 were reviewed.

Motion by Paul Mortenson to approve the Minutes of October 26, 2010 as submitted. Seconded by Larry Harrington. **Vote: 5-0-0**

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

Motion by Larry Harrington to accept with gratitude the gift from Kenneth Elovitz to the Boyden Library Gift Fund in the amount of \$350.00. Seconded by Jim DeVellis. **Vote: 5-0-0**

**Request for Extension of Hours** – Received from Mark Levine, General Manager, on behalf of Showcase Live, a request for a one hour extension of operating hours from 1:00 a.m. to 2:00 a.m. on December 31, 2010.

Motion by Paul Mortenson to approve the request for a one hour extension of operating hours on December 31, 2010 as submitted by Showcase Live. Seconded by Jim DeVellis. **Vote: 5-0-0**

**Road Race – Reach the Beach Relay** – Received from Paul Dionne on behalf of New Balance – Reach the Beach Relay a request for permission to allow runners along Route 140 in Foxborough for the New Balance – Reach the Beach Relay.

Motion by Paul Mortenson to approve the request for runners to pass through Foxborough on Route 140 as submitted by Paul Dionne on behalf of New Balance – Reach The Beach Relay, scheduled for May 20 and 21, 2011, contingent on approval by Chief O’Leary. Seconded by Lorraine Brue.

**Vote: 5-0-0**

**Agricultural Commission Appointments** – Received a request for appointments to an Agricultural Commission vote taken at ATM, May, 2010.

Motion by Larry Harrington to approve the appointment of Rosemary Smith, 85 Cocasset Street, John Hazeldine, Sr., 27 Spring Street, Frederick Grossmith, 250 Cocasset Street, Edward Lawton, 70 North Street and Debbie Sulham, 7 Pine Acres Road as members of the Agricultural Commission, terms to expire December 31, 2010. Seconded by Paul Mortenson. **Vote: 5-0-0**

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

**Vote: 5-0-0** Meeting adjourned at 10:15 p.m.

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James J. DeVellis, Clerk