

**SELECTMEN'S MEETING MINUTES**  
**January 25, 2011**

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

Others Present: Kevin Paicos, Town Manager  
Attorney Robert Shelmerdine  
Guang Lin, Mandarin Chef, Manager  
Andrea Kor, Paralegal, 128 Lincoln St., Boston

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

**7:00 – Citizens Input** - Paul Mortenson said he had attended the Eagle Scout Ceremony for Chris Johns and Max Guy. He felt it would be appropriate to ask them to come before the Board to talk about their projects. He thought it would be something the public would be interested in hearing. Lynda Walsh agreed and mentioned that the Town used to make it a practice to welcome veterans returning home and she would like to see that resumed. She would talk to the Veterans Agent about that.

**7:05 – Public Hearing** – Attorney Robert Shelmerdine was present representing Michael T. Intoccia, Manager regarding notice of delinquent taxes that are mostly on M. Intoccia Holdings Corp.. He said that as of today payments have been made and there is no reason for this hearing to go any further.

A general discussion ensued. Kevin Paicos said that full payment of delinquent taxes and interest had been made. He advised the Board to make no finding as there is no legal action necessary regarding delinquent taxes. In about three months the next quarterly bill will be overdue and there will most likely be another hearing. Lisa Sinkus pointed out that the individual has property as well as holding a liquor license, if the Board decides to revoke the license it denies the ability of the taxpayer to pay taxes. She suggested talking about a tax payment plan going forward and that it would have to be agreed upon by both parties. Attorney Shelmerdine explained that Mr. Intoccia is really in the construction business and that business has been hard hit by the present economic situation. He said the restaurant and function center has been operating very well. The Attorney also said Mr. Intoccia is committed continue developing the properties he owns but usually does not build until he has an agreement or the property is sold. He said the Town needs to do what the Town needs to do, but he wants to be sure everyone is on an even playing field. He will try to “whittle” down the amount of taxes owed.

Lynda Walsh pointed out that last year things were to be worked out, that did not happen. She said it is very important to work out a payment plan, in fact, it is imperative. The owner of the Christina's Fireside Grill and Function Center said Mr. Intoccia owes him several thousand dollars, in fact that is now in the courts. Lynda Walsh, Chairperson, said no action would be taken.

Motion by Paul Mortenson to close the public hearing. Seconded by Lorraine Brue.

Lorraine Brue pointed out she had received some calls in this regard. The Board should remember that this affects the livelihood of some 25 to 30 people and to take that into consideration as this case moves forward. Jim DeVellis asked that the Board take into consideration the people who do pay their taxes and that the rules are the rules. If the taxes do not get paid, the Board should hold the liquor license until they are paid. Lisa Sinkus said the Town would start tax procedures to protect the Town. She will advise the taxpayer within two weeks that the Town will take action to put a lien on Intoccia's property to protect the Town. **Vote: 5-0-0**

**7:30 – Public Hearing - Transfer of License at Mandarin Chef, 34 Mechanic Street** - Jim DeVellis read the Public Hearing Notice. The purpose of this Public Hearing discuss the application for a transfer of Annual Wine & Malt Beverages Restaurant License to Lin & Sou, Inc. D/B/A Mandarin Chef, 34 Mechanic Street, Manager Guang Lin.

Andrea Kor, representing Guang Lin, gave a brief background on Guang Lin's experience in serving alcohol at four other restaurants. A brief discussion was held wherein members of the Board asked about his experience dealing with problem customers, checking IDs, knowledge of the TIPS program and the importance of checking IDs to be sure of not serving alcohol to underage customers. Larry Harrington explained very carefully the fact that the Board takes violations very seriously and that there are severe consequences.

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

Motion by Paul Mortenson to approve the Transfer of the Annual Wine & Malt Beverages Restaurant License from Lee Chenh, Inc. to Lin & Sou D/B/A Mandarin Chef, Manager Guang Lin as submitted. Seconded by Lorraine Brue.

**Vote: 5-0-0**

**7:45 – Goals and Objectives** – A lengthy discussion was held. Lynda Walsh said she would prefer to have a separate meeting on this. Lorraine Brue would like to have at least a status report on Goals and Objectives given at a regular BOS meeting so that the public would have an opportunity to hear what is being

done. Kevin Paicos said he would add another column for status or comments to the list. He pointed out that he really has not had the opportunity to review the list; there are some things that he would like to see accomplished by June 30<sup>th</sup>. These are items that really need to have some attention. Larry Harrington suggested putting the Goals & Objectives on a calendar year instead of the Fiscal Year time frame. He also agrees that an off site meeting would be productive; in this way the Board would not have to wait for a regularly scheduled meeting to discuss and plan. Kevin Paicos agreed that going to a calendar year is a good suggestion. Jim DeVellis said he would like to meet with the department heads to get their input. Kevin Paicos suggested breaking down the Goals & Objectives into steps so that it would be easier to see whether or not progress is being made. This would enable the Board to ask questions as the Town moves ahead with a changing document. Other comments included whether this document could be put on the web page and whether to have the meetings televised. Larry Harrington pointed out that this is going to generate a lot of discussion in the community and that it might motivate taxpayers to attend the meetings.

**ACTION:**

**Invoice** – Received from Deutsch/Williams an invoice for retainer services in the amount of \$4,083.33 for the month of January, 2011.

Motion by Paul Mortenson to approve the invoice as submitted by Deutsch/Williams in the amount of \$4,083.33 for the month of January, 2011. Seconded by Lorraine Brue. **Vote: 5-0-0**

**Resignation** – Received from Joan Stafford a letter of resignation from the Foxborough Cultural Council, term expires on March 28, 2011.

Motion by Larry Harrington to accept with appreciation the resignation from the Foxborough Council on Aging as submitted by Joan Stafford effective March 28 2011. Seconded by Paul Mortenson. **Vote: 5-0-0**

**Subdivision Street Name** – Received from John W. Rietz and Kristine A. Rietz a letter requesting that the Town approve the name of Michael McNamara Drive be used for a street in a new subdivision at 67 North High Street. The letter contained historical information on this person as well as the obituary. A brief discussion was held. Sandra Herrmann said she had talked to Jack Authelet about this request. Jack will talk to Kevin Paicos. Usually the names on the list are used; the name does not sound like that of any other street.

**Marc Resnick** – Received from Marc Resnick, Town Planner, deeds to be signed by the Board for open space land for the Mill Street Preserve and Mill Street Preserve II subdivisions.

Motion by Lorraine Brue to take no action of this item. Seconded by Larry Harrington. **Vote: 5-0-0**

Received notice from the Planning Board of a Public Hearing scheduled for 8:00 p.m. on Thursday, January 27, 2011 for a Special Permit for Lamson Road Water Treatment Facility. No Action necessary.

**Executive Session:** Motion by Paul Mortenson to go into Executive Session to discuss Litigation and to Review Executive Session Minutes and to exit Executive Session for the sole purpose of adjournment. Seconded by Lorraine Brue.

<b>Vote: 5-0-0</b>	Lynda Walsh, Chairperson	Yes
	Larry Harrington, Vice Chair.	Yes
	Jim DeVellis, Clerk	Yes
	Lorraine Brue	Yes
	Paul Mortenson	Yes

Motion by Paul Mortenson to adjourn. Seconded by Lorraine Brue.

**Vote: 5-0-0** Meeting adjourned at 9:00 p.m.

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James J. DeVellis, Clerk