

**SELECTMEN'S MEETING MINUTES**  
**May 31, 2011**

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

Others Present: Kevin Paicos, Town Manager  
Attorney Paul DeRensis  
Randy Scollins, Finance Director  
Robert Cutler, Town Clerk  
Dr. Christopher Martes, School Superintendent  
School Committee Members – Martha Slattery, Kate  
Kominsky, Katie Adair, Beverly Lord and Bruce Gardner

The meeting was brought to order at 7:00 by Larry Harrington, Chairman.

**7:00** – Motion by Lynda Walsh to go into Executive Session for the purpose of discussing Collective Bargaining and to exit from Executive Session to resume for the regularly scheduled open meeting.

<b>Vote: 5-0-0</b>	Larry Harrington, Chairman	Yes
	Jim DeVellis, Vice Chairman	Yes
	Mark Sullivan, Clerk	Yes
	Lorraine Brue	Yes
	Lynda Walsh	Yes

Motion made and seconded by School Committee to go into Executive Session for the purpose of discussing Collective Bargaining and to exit from joint Executive Session for the sole purpose on continuing School Committee Executive Session. **Vote: 5-0-0** Roll Call vote – unanimous.

**7:40 – Citizens Input** – George Leonard, 3 Aldrich Rd., expressed concern regarding a newspaper article stating that a particular store wants to move the business, including a liquor license, to Patriot Place. He asked the BOS to take this matter under consideration and not allow such a move.

**Firefighters' Pinning Ceremony** – Kevin Paicos, Town Manager, said there is an old tradition in the Fire Service where new members are pinned by someone who means a great deal to them. He thanked Chief Hatfield for bringing this swearing in ceremony tradition back. Six Firefighter/Paramedics were recognized – Scott Rogers, Peter Phaneuf, Cory Shepardson, Pamela Park, Keith Hodson and Donald Treannie, III.

Larry Harrington said the IGO School float for Founders' Day was going to be collecting canned goods for the Food Pantry. The collected foods would be brought to the Town Manager's office for distribution.

Larry Harrington spoke about the ground breaking ceremony to be held on Thursday, June 2<sup>nd</sup> for *Foxboro Never Forgets*. He noted that Chris Mitchell and Chief O'Leary and Chief Hatfield had worked very hard to get a piece of the original steel from the Twin Towers buildings to place in the Memorial. The ceremony will take place on Thursday at 3:00 p.m. at the Public Safety Building. He said the Committee is still short about \$30,000; the goal is \$150,000 and he felt sure the community would come forward to help meet the goal. Lynda Walsh noted the Committee would be raising funds at Founders' Day festivities.

#### **ACTION:**

**Minutes** - The Minutes of the Board of Selectmen's meetings of May 10 and 17, 2011 were reviewed.

Motion by Lynda Walsh to approve the minutes of the meeting of May 10, 2011 as corrected. Seconded by Jim DeVellis. **Vote: 5-0-0**

Motion by Lynda Walsh to approve the minutes of the meeting of May 17, 2011 as amended. Seconded by Lorraine Brue. **Vote: 5-0-0**

**Change of Manager** – Received from Showcase Cinema DeLux, 24 Patriot Place, a request for Change of Manager from Joseph L. Norman, III to Janek P. Miranda. A brief discussion was held.

Motion by Lynda Walsh to approve the Change of Manager for Showcase Cinema DeLux to Janek P. Miranda as requested by Quincy Amusements, Inc., Showcase Cinema DeLux. **Vote: 5-0-0**

**8:00 – Discussion on Joint Budget Committee** – Kevin Paicos pointed out that the budget process used up to this time is dependent upon assumptions on what the Town expects to receive in State Aid. The numbers invariably change many times during the budget process. The 2-1/2% allowable tax increase has become the basis from which the budget is created. He suggested putting together a budget planning committee made up of himself, Randy Scollins, Chairman of the School Committee and Chairman of the Advisory Committee and others. This committee should meet periodically to go over changes and make policy decisions on how to best meet the needs of the Town. It was noted that these meetings should be open to the public to bring a better level of understanding of the process. Jim DeVellis asked that the committee start earlier in the budget process and have discussions on level funding vs. level service. It was generally agreed that this would be a good idea. Kevin Paicos suggested that the first meeting be held after Labor Day.

**8:30 – Discussion on Impact of Shortened NFL Season** – Randy Scollins said the greatest impact of a shortened NFL season would come in FY-2012 and FY-2013. He tries to find ways to generate additional revenues by looking at under budgeted local receipts. He pointed out that for the last couple of years the Town has put any free cash generated into the Capital Budget. Larry Harrington said if all ten games are cancelled it will impact on how the Town negotiates contracts. The loss of revenue for the Town because of a shortened NFL season has to be considered in terms of contract negotiations. He pointed out that the School Department and the Advisory Board needs to understand that the impact is three years out. Mark Sullivan said this is going to impact not only the Town but, what has him even more concerned is the people; it goes far beyond the Town. A brief discussion was held regarding the P.I.L.O.T. program. At Larry Harrington's suggestion, Randy Scollins briefly explained how that program benefits the Town.

**8:45 – Changing of Town Voting Precincts** – Bob Cutler, Town Clerk, was present to discuss the changing of the voting precincts in Foxborough. He showed a map showing the re-draft plan. It requires a vote from the BOS approving the plan. This is required by the State as it is based on numbers and is a change for voting purposes only.

Motion by Lynda Walsh to accept the Redistricting of the Town voting districts as submitted by the Town Clerk. Seconded by Lorraine Brue.

**Vote: 5-0-0**

**9:00 – Discussion on Town Counsel Contract** – Larry Harrington pointed out that the Board needs to discuss the present Contract for Town Counsel, whether or not the retainer makes sense and that raises the question on whether or not it would make sense to put out an RFP. Kevin Paicos said it seems to make sense to change every three to five years. He has asked for a print out of the Retainer use. He explained how some other owns conduct their Town legal business. He pointed out reasons for and against contracting with a retainer fee for some services and charging for specific services outside the retainer.

Larry Harrington said that most businesses do not change legal counsel every three years and one reason is the learning curve where the counsel gets to know the business or in this case the Town. Attorney DeRensis said he had let the Town know, right up front, that he was looking for a long term relationship. He said the retainer fee was put in place so that the Town would know what the budget was going to be. He pointed out that a new Town Counsel has lots of things to learn; it has been two years and he is still learning things. He said there have been some surprises along the way such as the liquor license issues and review of the by-laws. He said he is committed to the Town. He would like to have people feel free to get advice instead of having to worry about the hourly

rate. Kevin Paicos said he feels the Town is getting a “good deal”, if one looks at the number of hours and the costs.

A general discussion ensued. Lynda Walsh said she has “gone back and forth” about the retainer fee, etc. She said Attorney DeRensis has been there to help whenever asked. Lorraine Brue said she appreciates all his efforts in learning about the Town and his service has been more than excellent. Jim DeVellis pointed out that Attorney DeRensis is very professional. The way the contract is written – retainer plus hours, somebody comes out a little less under the retainer. He said this is a learning process for the BOS. Attorney DeRensis pointed out that the Town has had three years to evaluate himself and his staff. He is very happy with the work he is doing for the Town. Larry Harrington said he is comfortable about having dialog with Attorney DeRensis that they can disagree without being disagreeable. He said Attorney DeRensis has always been receptive to all and has tried to give appropriate advice. He appreciates the fact that Attorney DeRensis has made substantial investment in the community; there is still another year to go. Larry feels that to do an RFP after two years does a disservice to the Town. Mark Sullivan pointed out that there has been a lot of challenges in these two years. He said the Board has said it would review everything every three years. He does not want Attorney DeRensis to take this personally, this is only to let the Town know they are getting the very best representation and that the BOS is doing “due diligence”.

A brief discussion was held regarding the retainer. Attorney DeRensis said he would agree to re-structuring the retainer in any way that benefits the Town. He pointed out that an RFP is disruptive and causes paralysis. He said it is important to have continuity of the legal process. There is something going on that the Town needs to move forward with to get done. He said there is a lot of work that has been started that he would like to finish; specifically the liquor license issues and issues that may come up relative to the library project. Larry Harrington said the question is whether the Board has the Counsel it wants. Lorraine Brue feels that the Town has high quality at a good rate. There can be a review every three years and part of that review should include going over the monthly invoices. Lorraine said she is not in favor of putting out an RFP at this time. She said this has been an opportunity to bring ideas together and move forward. Lynda Walsh said the Town has someone who is invested in the Town and understands what is happening as far as the liquor services issues goes. She said that going to an RFP right now is not the answer. Larry Harrington pointed out that the Board is interested in further dialog going forward; discussions with Kevin Paicos on re-structuring of the retainer and performance should continue. Kevin Paicos pointed out that this is the business of the BOS. He said in the end, the retainer would probably be kept, clarification should be made of what is in, or not in, the retainer and the Enterprise Fund should be considered separately. He said next year he would introduce quarterly reviews for every department.

**9:15 – Review of Town Counsel Policy** – Mark Sullivan said he has no problem with the policy that is presently in place. Lorraine Brue referred to Section 3.3 of the “Policy on Use of Town Counsel”; she did not agree with having access to Town Counsel only by vote of the Board. Lorraine felt that following the policy as it has been – going through the Town Manager and/or the Chairman of the Board – is the procedure that should be followed. Larry Harrington pointed out that an individual member of the Board might hesitate to ask the question because a majority of the Board might feel legal counsel should not be allowed. Every Board member has the right to question as long as there is an explanation; he is concerned that a member of the Board might not be allowed the advice of counsel. Attorney DeRensis said any Board member shall have access to municipal counsel on issues having to do with conflict of interest and personal situations that may need guidance right away. A member should be able to pick up the phone and keep out of trouble. Kevin Paicos agreed that this should be in the policy. He said when there is a question about personal liability, the Board member needs to ask Town Counsel to be sure they are protected. Kevin Paicos suggested that the Board retain the rest of the Policy and it should be by agreement of the majority of the Board. Larry Harrington suggested that Kevin make the suggested changes, have Attorney DeRensis review and make any suggestions that might be helpful, and bring this matter back to the Board.

Larry Harrington suggested that the Board recognize Foxboro Cable Access for the excellent job they do covering everything that happens in the Town. He would like to have Mike Webber and staff come to a meeting to be recognized with a Certificate of Appreciation.

Mark Sullivan asked to have the ZBA come before the Board to discuss the Library issues. He would like to get the information out to the public and to move forward with this project. He asked to have that as an agenda item. Larry Harrington said he would like to give the people who watch TV the opportunity to look at the process with experts on regulations and get the library done without getting into law suits, etc.

Motion by Lynda Walsh to adjourn. Seconded by Lorraine Brue.  
**Vote: 5-0-0** Meeting adjourned at 10:15 p.m.

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Mark Sullivan, Clerk