

SELECTMEN'S MEETING MINUTES
September 13, 2011

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

Others Present: Kevin Paicos, Town Manager
Leo Potter – Water/Sewer
John Michelmore - Housing Authority
Bob Boette, Chairman Conservation Commission
Judy Johnson, Jane Pierce, Valarie Marshall Conservation
Commission members & Kenneth Whittaker, Advisor

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

7:00 – Chairman Harrington thanked all who were involved in the dedication of “Foxborough Never Forgets” memorial. He thanked especially Chris Mitchell and Mark Sullivan for their generosity of time, talent and materials.

Larry also said he would schedule a public meeting to discuss the events of the hurricane – what went well and what did not. The BOS would put together results of this meeting and send it on to the Attorney General’s Office.

Citizens Input – Daniel Flynn said he was disappointed about last week’s meeting because he did not know there would be a discussion regarding casino gambling in Foxborough. He felt the citizens should have been notified about such an important issue. He asked how this issue could be put back on the table for discussion.

Gordon Greene, 23 Villa Drive, wanted to publicly comment on the tremendous job done by Police, Fire and Highway during the recent hurricane. He said they did a job the Town can be proud of and thanked them for a job well done.

7:10 – In-house Meter Savings – Leo Potter came before the Board to report to the Town the installation of electronically read meters and resulting savings to the Town. He briefly reviewed the meter reading program to upgrade homes from the outside meters to electronically read meters. He submitted a fact sheet showing cost comparison between having the meters installed in house and hiring a contractor to do the job. He estimated the savings at \$195,524.48 to \$223,584.24.

A brief discussion was held. Leo Potter said over 650 meters have been installed. He pointed out that the purpose of this program is to save money reading the meters and thereby realize ongoing savings in wages. He said there would still be some overtime because of work that can be done only on weekends. Jim DeVellis pointed out that the numbers used in this comparison do not tell the whole story because the contracted workers do not get paid \$67.00 per hour; other costs to the contractor are built into that number – insurance, overhead, etc. He did not agree that there is \$200,000 in savings; he believes all these costs should be in the equation. Kevin Paicos pointed out that the savings are probably not quite \$223,000, probably more like \$150,000; still a significant savings.

7:25 – Use of Vacant Land – It was noted that Rep. Jay Barrows and Randy Scollins could not be present for this discussion. John Michelmore, Chairman of Foxborough Housing Authority, was present to discuss the use of vacant State land in the area of Commercial Street and Walnut. He said legislation has been filed to permit development. He pointed out that the Housing Authority has no money to buy the land. He said there are about 16.2 acres; he does not know if there are any wet lands. He said there would have to be surveys, perk tests, etc. The Housing Authority would then get into the process on more particular plans and figure out how to finance the project. John Michelmore said it would most likely be a 40B project and similar to what has been done on Baker Street. A brief discussion ensued.

7:45 – Special Town Meeting – Kevin Paicos said that as of this meeting, a date in November for STM would be best unless there is something that would need more immediate consideration. He reviewed the list of possible warrant articles – 24 in all. Larry Harrington asked that Kevin identify the department submitting the article as he briefly reviewed each one. Kevin pointed out that some of the articles included in this list might not be included on this STM Warrant in the final form. Brief comments and questions on each article were posed by Board members. A discussion was held regarding the process for getting an article on the warrant, zoning articles that are reviewed by the Planning Board and the BOS before being put on the warrant and articles are also reviewed by the Advisory Committee.

A brief discussion was held regarding the vote taken by the Board on 9/6/11 relative to a change in zoning that would allow gaming in Foxborough. The vote taken by the Board was a unanimous “No”. Lynda Walsh said that after receiving several phone calls, she felt that the Board might have “jumped the gun” without giving citizens enough opportunity for discussion. Larry Harrington explained that if the Board were to reconsider the vote, it would have to be put on the agenda. Larry pointed out that Kevin had received several calls asking whether the Town would have any interest in having a casino in Foxborough and whether the Town has appropriate zoning; if not, developers would go to Towns that all ready have the zoning in place. Larry Harrington suggested that voters

should have the opportunity to vote either “yes” or “no” by ballot. He agreed to meet as soon as possible for further discussion.

8:00 – Conservation Commission Warrant Article – Bob Boette, Conservation Chairman, was present to answer any questions about the proposed article to be put on the STM Warrant. A power point presentation was made to highlight responsibilities and goals of the Conservation Commission. Bob Boette explained that this article would modify the strong Town Manager Act by inserting, after the words “library trustees” the words “Conservation Commission”. He explained that this change would exempt the management of conservation properties from any action by the Town Manager to manage and/or be responsible for conservation property and give that responsibility back to the Conservation Commission. Kenneth Whittaker pointed out that the Conservation Commission should be in control to make the decisions regarding land and its use that is under its jurisdiction. This article would “just bring it back to its original purpose”, otherwise, land meant for conservation could go to other uses.

A lengthy discussion ensued. Larry Harrington said the Board would not vote on this article at this meeting; this would be just for discussion to decide what will go into the warrant. Judy Johnson, Conservation member, pointed out that all members of the Commission were present and if the Board had questions she would like to have the opportunity at this meeting to address those questions. George Leonard asked why the State is not being brought into this discussion. Kenneth Whittaker pointed out that there is “no State Town Manager Act” it needs to be addressed by each individual town.

8:10 – Compost Area – Kevin Paicos said this was an issue when he first became Town Manager. He has looked at other towns that offer similar services. He said the Town could offer the same services but find another location. He gave credit to Bob Swanson and Tim Cummings for their work preparing an RFP. He reported that of the RFPs received Tree Tech, a local company, would best address the needs of the Town. Tree Tech would not charge a user fee for residents of Foxborough; commercial haulers would be charged. Kevin pointed out that there would be a savings of about \$35,000 per year; no one would be laid off; employees would be assigned to other work that, at present, does not get done. Lynda Walsh asked if the present landscape contractors are comfortable with this proposal. Lorraine Brue asked what happens to the top soil. Kevin explained that Tree Tech would get that. Jim DeVellis said this would be an extraordinary opportunity for the Town although he has not seen the contract. He expressed concern for senior citizens who have been working at the compost area. Jim said Tree Tech would “honor” that. Kevin explained that something would have to be worked out; no senior would be left without the opportunity to work elsewhere under the senior citizen tax write-off program. Mark Sullivan said he would like to see the contract with Tree Tech; he is concerned about where the brush, tree stumps, etc. are going to be dumped. Another concern Mark has is whether this is in the best interest of the Town, allowing a private company to

use Town property for dumping and any possible liability to the Town. Bill Casbarra said he did look at the location as preexisting, nonconforming use. He said the location has been changed and should be discussed at another meeting as there may be some zoning issues. Kevin Paicos said he would take this up to get a resolution immediately.

ACTION:

Minutes – The Minutes for the Board of Selectmen’s Meeting of August 30, 2011 were reviewed.

Motion by Jim DeVellis to approve the Minutes of the Meeting of August 30, 2011 as submitted. Seconded by Lorraine Brue.

Vote: 4-0-1 Lynda Walsh abstained.

One Day Beer & Wine License Application – Received an application for a (1) One Day Beer & Wine License for the Warrior Run to Benefit Homes for Our Troops (Motorcycle Run) to be held 9/17/11 at 105 Washington Street, Foxborough. A brief discussion was held.

Motion by Mark Sullivan to approve the application for a One Day Beer & Wine License for the Warrior Run to Benefit Homes for Our Troops as submitted. Seconded by Lynda Walsh. **Vote: 5-0-0**

Larry Harrington said he would like to schedule a meeting at the Burrell School to discuss the lessons learned from the hurricane.

John Gray, Advisory Committee Chairman, asked when the Warrant for STM would be published. He referred to the “lesson learned” from last spring when the Advisory Committee had little time to do due diligence to articles on the Warrant. John suggested a date in December. Kevin Paicos pointed out that the posted date on the Warrant and the date of the meeting is typically 30 days. He explained that he could not have a warrant ready two months in advance of the Town Meeting. A brief discussion was held about possible dates for upcoming meetings for Warrant review and action by the Board and Advisory Committee.

Motion by Mark Sullivan to go into Executive Session for review of Executive Session Minutes and to exit Executive Session for the sole purpose of adjournment. Seconded by Lorraine Brue.

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

Motion by Mark Sullivan to adjourn. Seconded by Lynda Walsh.

Vote: 5-0-0 Meeting adjourned at 9:30 p.m.

Mark Sullivan, Clerk