

SELECTMEN'S MEETING MINUTES
October 16, 2012

Members Present: James DeVellis, Chairman
Mark Sullivan, Vice Chairman
Lorraine Brue, Clerk
Lynda Walsh
Ginny Coppola

Others Present: Town Manager Kevin Paicos
Town Counsel Richard Gelerman
Jack Authelet
Steve – Invensys
Rec Director Deb Giardino
Gillette Stadium Phil Buttafuoco
Stadium Advisory Chairman George Bell
Special Town Counsel Louis Cassis
Falguni Janak Patel
Atty. Wei Jia
Xue Mei Chen
Li Juan Chen
Labor Counsel Leo Peloquin
MIIA Rep Lou Paradis

The meeting was brought to order at 7:00 p.m. by James DeVellis, Chairman. Chairman DeVellis reviewed the agenda.

Citizen Input

Dick Heydecker distributed handouts on the Town Hall renovation/reconstruction issue. He stated that the Ad Hoc Committee never had full exposure to all of the options. He feels that the New Town Hall option is not cost or space effective. He also inquired if Town Meeting could be held on a Saturday as a lot of seniors would like to be able to come.

Stadium Negotiation Board of Selectmen Sub-Committee status in regards to the Open Meeting Law

The Board met with Town Counsel to discuss the Stadium Negotiating Committee. The question is whether this is a Board Sub Committee and if so do they fall under Open Meeting Law requirements. Atty. Gelerman has spoken with the Attorney General's office and recommends that the Board rescind the vote creating the group as two or more members of a Board of Committee in a sub-group creates a subcommittee. He also recommends that one person, not on the Board of Selectmen, be appointed to the negotiating group and that person will select the other members of the group. This person and any others appointed would not have the authority to enter into any agreements but would be authorized to negotiate.

Town Counsel will submit this as a written opinion and will get an advisory from the Attorney General's office.

Mr. Sullivan asked if the negotiations could be held in open session of Board of Selectmen meetings.

Mr. Paicos noted that no negotiating will happen until this matter is resolved.

A motion to reconsider the September 25, 2012 meeting vote was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 4-1-0 with Ms. Coppola opposed.**

A motion to dissolve the committee appointed by the Board of Selectmen on September 25, 2012 created for the purpose of meeting and negotiating with representatives of the Kraft Organization to avoid Open Meeting Law violations was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 5-0-0.**

The Board discussed when any articles from these discussions would be ready for Town Meeting. Mansfield needs an answer on the Regional Sewer District by January. The Board discussed having a Special Town Meeting in February. Larry Thomas the Chairman of the Advisory Committee stated that February is too close to the Annual Town Meeting for their Board to have time to review the articles. He suggests a December meeting.

Public Hearing – Application for the MIAA High School Superbowls to be held at Gillette Stadium on December 1, 2012

Ms. Brue read the Public Hearing notice.

A motion to open the Public Hearing and continue it until later in the evening was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 5-0-0.**

Invensys

Jack Authelet spoke to the Board about the outreach program at Invensys which benefits the Town. They have over 200 volunteers involved in twenty-three initiatives such as donation of backpacks with school supplies, helping students with science fair projects at the Ahern School, beautifying the grounds of the senior center and senior homes, donating to the Birthday in a Box program, helping pack supplies to send to Afghanistan, building a storage room for the Historical Commission at Memorial Hall, scanning documents from the Foxboro Company for the archives, rehabilitating the cabin at the Mill Street recreation area, raising money for the Relay for Life, participating in the English for Tomorrow and Credit for Life Fair at the high school, donating to the Greater Boston Food Bank and participating in YMCA programs.

The Board of Selectmen presented a plaque to Steve of Invensys for Invensys Recognition Night. Steve stated that he is filling in for John Eva who was not available

tonight and that he feels that giving back to the community is very rewarding for all the employees involved.

Recreation Director Deb Giardino presented a Foxboro Townie sweatshirt to be given to John as this is his third time volunteering and he should consider himself a member of the town now.

Public Hearing – Liquor License Violation at Fusion 5, 105 Washington Street, Manager Falguni Janak Patel

Ms. Brue read the Public Hearing notice.

A motion to open the Public Hearing and continue it until later this evening was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

Public Hearing – Application for the MIAA High School Superbowls to be held at Gillette Stadium on December 1, 2012

A motion to reopen the Public Hearing was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

The Board met with Phil Buttafuoco of Gillette Stadium and Stadium Advisory Committee Chairman George Bell.

The MIAA high school football superbowl will be held on Saturday December 1st from 9:00 a.m. to 9:00 p.m. There will be six games in total representing twelve communities. Usually around 17,500 people attend the event throughout the day. There will be no tailgating allowed, parking lots will be open at 8:00 a.m. and close approximately two hours after the last game. It is a general admission event; it is a Level 2 event in regards to Public Safety. No alcohol will be served.

A motion to close the Public Hearing was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

A motion to approve the application for MIAA Superbowls at Gillette Stadium on December 1, 2012 was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

There was no request to waive the fee so a separate action will be required if it is requested.

Public Hearing – Liquor License Violation at Fusion 5, 105 Washington Street, Manager Falguni Janak Patel

A motion to reopen the Public Hearing was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 5-0-0.**

Special Town Counsel Louis Cassis and Mr. Falguni Janak Patel came before the Board. Atty. Cassis has met with Mr. Patel; Mr. Patel has taken responsibility for the

violation and is agreeable with a three day suspension on November 12 – November 14.

The violations of September 21st at 3:30 a.m. and September 27th at 1:15 a.m. were summarized for the Board. There were three offenses on two dates, the serving of an intoxicated person and two instances of serving after hours. Atty. Cassis stated that even though there are two offenses, this is the first time this establishment has been before the Board.

Mr. Patel stated that the Manager involved in the offenses will be moved to the day shift or terminated. He also stated that the second offense involved a bottle of Guinness that was used as a display for the evening and left on the bar. He will not appeal the Board's decision to the ABCC.

The Board recommended that the staff take the training that is offered by the Police Department.

The first offense calls for a suspension of up to three days and a second offense calls for a suspension of three to ten days. Atty. Cassis suggests treating this as a first offense with the maximum allowed suspension.

A motion to close the Public Hearing was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 5-0-0.**

A motion to accept the plea for a three day suspension on November 12, November 13 and November 14 along with payment of the administrative fee with no appeal to the ABCC was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 5-0-0.**

Mr. Paicos noted that this will be in their file as a first offense.

Public Hearing – Application for a Wine and Malt Restaurant License for Asian Ginger, 70 Central Street, Manager Li Juan Chen

Ms. Coppola is recusing herself as she is an abutter.

Ms. Brue read the Public Hearing Notice.

A motion to open the Public Hearing was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 4-0-0.**

Atty. Wei Jia represented the applicant Xue Mei Chen. This restaurant opened last spring and they would now like to have the ability to serve beer and wine.

The Manager Li Juan Chen has previously worked in Connecticut and New York and became the Manager at this restaurant in May.

Atty. Jia submitted the receipts for the certified mailings.

The Board suggested that the Manager take the classes offered by the Police Department on ID checks.

Ms. Chen has taken the Servsafe and TIPS courses.

The restaurant will not have a bar, and will be table service only.

A motion to close the Public Hearing was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 4-0-0.**

A motion to approve the application for a Wine and Malt license for Asian Ginger at 70 Central Street subject to an approved CORI check and the floor plan as submitted was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 4-0-0.**

The applicant was advised that any changes to the operation require them to come back before the Board.

Action Items

The minute of September 25th were reviewed.

A motion to approve the minutes of September 25, 2012 was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

The Recreation Department would like to hold a Halloween Parade on October 27th from 3:00 – 6:00 p.m. from the Town Hall to Liberty St., Central St., Wall St. and the Town Common.

A motion to approve the request for a Halloween Parade on October 27, 2012 from 3:00 – 6:00 p.m. was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

The Warrant for the State Election has been submitted.

A motion to approve the Warrant for the State Election was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

Healthcare Changes per New Legislation

The Board met with Labor Counsel Leo Peloquin and MIIA Representative Lou Paradis in regards to the Health Insurance changes passed by the Legislature that allows changes to be made without Union negotiations. All of the Labor unions in town have been notified of the proposed changes.

The changes would be to co-pays and deductibles which would both increase as well as General Insurance Commission limits which would be different than current plans. A

plan comparison was distributed and the cost savings to the town reviewed. The town would save \$705,000. A mitigation fund would be created from the town's savings as 25% of the savings is required to be given back to the employees the first year and a decision on how to make these funds available is needed. Options such as premium holidays or reimbursement accounts could be created. A Public Employee Committee would be established with representatives from the unions. This new plan would be effective September 1, 2013, the process begins with a Board of Selectmen vote.

Dave Healy of the Insurance Advisory Committee questioned why the town needs to do this. He is not against the changes, just looking for information.

Mr. Paicos stated that the changes in co-pays could be fully reimbursed the first year. He also reviewed the program changes and the cost savings to the town that go along with them.

The next step after a BOS vote is to meet with the Insurance Advisory Committee and layout the specific changes.

Mr. Sullivan stated that any changes to healthcare are upsetting to the employees.

Meetings would be held with the leaders of the unions and they would bring the changes back to their employees.

The Board discussed whether they should wait to vote until this is brought to the employees.

Mr. Paicos stated that if this approach is not approved then the town's premiums will go up which means the employees rates will go up. A decision is needed in the next four weeks so it can be factored into next year's budget. He also reminded them that they do have the ability to change their position once the process starts.

The vote will be to adopt the statute to engage in the process to change the healthcare benefits offered.

A motion that the Town of Foxborough hereby elects to engage in the process to change health insurance benefits under Mass General Laws Chapter 32B sections 21-23 was made by Ms. Brue and seconded by Mr. DeVellis. **The motion carried 4-1-0 with Mr. Sullivan opposed.**

Lisa Sinkus noted that having an early discussion will be a good thing for the employees.

Todd Kaiser Chair of the Insurance Advisory Committee noted that they have not met since last February but they are just an advisory committee, the new committee will be able to make decisions.

Special Town Meeting and Warrant Closing Dates

The Board met with Town Counsel to discuss the Special Town Meeting. The Kraft negotiations will not be ready for a December Town Meeting. Other articles are needed for funding of contracts, zoning articles from the Annual Town Meeting and the Town Hall as well as the proposed turf field.

A date could be set for December 11th with the warrant open from October 30th to November 2nd.

Mr. DeVellis read an email from the Planning Board requested that the dates when warrant articles need to be submitted be publicized. There is always a notice in the Foxboro Reporter.

The Board discussed how to deal with the negotiation committee. Ms. Brue would like a written opinion from the Attorney General before taking any votes. The Board discussed whether the negotiations should be held in public session with any sensitive matters being discussed between Town Counsel and their Attorneys separately.

Howard Segel of the Advisory Committee stated that the townspeople are entitled to transparency and public discussion is needed.

Atty. Gelerman stated that some executive sessions will be needed due to the nature of the negotiations.

The discussion was tabled until the next meeting.

A motion to set the Special Town Meeting for December 11, 2012 at 7:30 p.m. at the high school or on December 12, 2012 at 7:30 if the high school is not available and to have the Warrant close on October 30, 2012 was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

The meeting was adjourned at 10:25 p.m.

Respectfully Submitted,

Diana Gray

Lorraine Brue, Clerk