

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
MINUTES
August 20, 2013

Members Present: Mark Sullivan, Chairman
Lorraine Brue, Vice Chairman
John Gray, Clerk
Ginny Coppola
James DeVellis

Others Present: Acting Town Manager Bob Cutler
Barry Birks General Manager of Toby Keith's I Love This Bar and Grill
Jess Stevenson of Gillette Stadium
Joseph Mulvey of the US Postal Service
Bill Casbarra
Finance Director Randy Scollins
Steve Sacco of Invensys

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

Citizen's Input

Kevin Penders of 2 Highland Street stated that a solution is needed for the problems with the Town Hall; be it a temporary one at the old Post Office, the new Post Office or Chestnut Green. Whatever the Board decides, he would like to see the Town Hall stay in the center of town. He also noted that when the library relocated to Chestnut Green during their renovation, there were water problems there.

Action Item:

Barry Birks General Manager of Toby Keith's I Love This Bar and Grill came before the Board to ask to stay open an extra thirty minutes of Saturday, September 21st. This is the day of the Toby Keith concert at the Comcast Center in Mansfield.

Mr. Birks stated that they always have four detail officers on Friday and Saturday nights. They usually close at 12:30 a.m. which is an agreement they have with the town, but would like to be able to stay open until 1:15 a.m. that evening. It is unknown whether or not Mr. Keith will come to the establishment after his concert that evening.

Ms. Brue does not have a problem with staying open later but does not want the alcohol serving time extended past 12:30 a.m.

Mr. Coppola asked if the Police Chief was consulted. Mr. Birks stated that he spoke with the Detail Sergeants and they are agreeable to the request.

Mr. Cutler stated that he spoke with Chief O'Leary and he is agreeable to the request and will meet with Mr. Birks to see if more personnel may be required.

Mr. DeVellis liked to see Mr. Birks taking a proactive approach.

A motion to allow the request from Toby Keith's I Love This Bar and Grill to stay open until 1:15 a.m. on Saturday, September 21, 2013 with a condition that all alcohol service be stopped at 12:30 a.m. and Mr. Birks meets with the Police Chief on the level of details required was made by Mr. Gray and seconded by Mr. DeVellis. The motion carried 5-0-0.

Mr. Birks has a second request, which is to start serving alcohol at 11:00 a.m. on the Sundays when the Patriot's have home games that begin at 1:00 p.m. Currently those games are scheduled for September 22nd, October 27th, December 8th and December 20th.

Mr. DeVellis would rather just approve a request for Patriot's home games that begin at 1:00 p.m. instead of listing the dates in case there is a change to the Patriot's schedule.

A motion to approve the request of Toby Keith's I Love This Bar and Grill to start serving alcohol at 11:00 a.m. on Sundays when Patriot's home games are scheduled to begin at 1:00 p.m. was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Public Hearing - Brazil vs. Portugal Soccer Match to be held at Gillette Stadium

Mr. Gray read the Public Hearing notice.

The Board met with Jess Stevenson of Gillette Stadium. She explained that this will be the only international soccer match this year. They are expecting 42,000 – 50,000 patrons. This is considered a full event but will not be a capacity event. There will be traffic boards used to notify people on Route 1 to seek alternate routes. An email will be sent to patrons notifying them of the parking plan to try to avoid back ups on Route 1.

George Bell of the Stadium Advisory Committee has no issues with the request.

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

A motion to grant the license for the Brazil vs. Portugal Soccer Match to be held at Gillette Stadium on September 10, 2013 at 8:30 p.m. was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

Foxborough Post Office

The Board met with Joseph Mulvey of the US Postal Service in regards to the downtown post office.

This meeting is to notify the town that the Postal Service is considering relocating the retail services from 15 Wall Street to a new location within the same general area. That location has yet to be determined. They need 1,400 sq. ft. for the retail operation. They are also planning on moving the carrier operation to space available at their Mansfield location. Mr. Mulvey stated that all mail delivery will continue without an interruption of services.

This meeting is to notify town officials and to ask for any public comments. Written comments can be submitted through September 4th to Joseph Mulvey, US Postal Service, 2 Congress Street, Room 8, Milford, MA 01757.

After the comment period, a relocation decision that takes into account all of the public input will be made. The decision can be appealed by any person within thirty days. Once the decision is made it will be sent to Town Officials and posted at the Post Office.

If a decision is made for relocation, then consideration will be made for disposition of the present building.

The decision may contain a provision for the retail operation to stay in the present building or it may move to a new location. If the retail operation is to be moved to a new location, a new comment period will begin at that time.

The retail operation will not be moved until a new location is confirmed.

Mr. DeVellis asked how long this whole process is expected to take and if there are any other locations going through this process. Mr. Mulvey stated that the nearest locations are in Connecticut, which has three towns going through the process. He expects the whole process to take a minimum of one year, but it may be as long as two years.

Mr. DeVellis asked if the town would have the right of first refusal on the current property. Mr. Mulvey stated that the asset department would work with the town and the property would be sold at fair market value.

Ms. Coppola asked if the property may be sold and the retail operation remain in the building. Mr. Mulvey stated that this could be an option. She also wanted to know where the post office boxes would be located. Mr. Mulvey stated that they would stay with the retail operation.

Ms. Brue stated that she found three Post Office properties for sale in Massachusetts in Chicopee and on the North Shore. Mr. Mulvey was not sure of their status, the Post Office deals with an exclusive real estate broker; they could have been vacant property, which would not follow the same procedure as this one here. Ms. Brue wanted to know how long these properties have been empty. Mr. Mulvey will find that information for Ms. Brue.

Ms. Brue also wanted to know when the asking price will be known for the Foxboro building. Mr. Mulvey stated that CB Richard Ellis is the real estate broker; they would be determining what the market price would be.

Mr. Gray asked how long it would be until a determination is made after the public comment process is completed. Mr. Mulvey thinks it would be mid November when a decision is made.

Resident Elaine Winer asked why Mansfield was chosen as the carrier location over Foxboro. Mr. Mulvey stated that a study was done of both properties and the planning staff decided that Mansfield was a more suitable location.

Ms. Winer also asked if when people have their mail held, they will need to go to Mansfield to get it. Mr. Mulvey said that it would be taken to the retail location in Foxboro.

Dick Heydecker asked about the properties in Connecticut, how big they were, what they sold for and when, he thinks this would be useful information for all concerned. Mr. Mulvey will need to get that information.

Ms. Coppola asked if there will be any changes to the number of postmen or routes in town. Mr. Mulvey stated that the carrier deliveries may need to be shifted but expects the number of routes to remain the same. He doesn't anticipate any impacts to residential mail delivery.

Mr. DeVellis asked if the mail trucks pay excise tax to the town. Mr. Mulvey stated that the USPS is exempt from all taxes as they are a federal organization. If the building is sold it will generate tax dollars for the town as they do not pay taxes currently.

Ms. Winer asked about a position advertized for an Assistant Letter Carrier.

Tom Driscoll of the Foxboro Post Office stated that this is a temporary position that may become permanent in the future. It is a program to get new employees. As far as the route in Foxboro goes, he expects the only change may be the addition of a relay route to deliver items.

Billboard Committee Update

Ms. Brue formed a committee in response to a request received from the ZBA after they received a number of applications for digital billboards on Route 1. The Committee is composed of Ms. Brue, Building Commissioner Bill Casbarra, Planning Board Bill Grieder, Board of Water and Sewer Commissioners Bob Garber and Chief Financial Officer Randy Scollins. They met recently and Mr. Casbarra gave a history on the billboards on Route 1 and how they were approved. There is currently one digital billboard on Route 1 that was approved by the ZBA as part of the state's pilot program. The Office of Outdoor Advertising recently came out with regulations for digital billboards which may have prompted the recent applications.

In the Economic Development Overlay District on Route 1, billboards are allowed by right. One of the applications in front of the ZBA is from the Board of Water and Sewer Commission to put an ad on the reuse water tank. This is across from the stadium. The tank on the stadium is also owned by the town, but the town does not own the advertising rights on that one.

The town currently does not have any regulations for electronic billboards. The Committee learned that the Planning Board is hoping to address this as part of the Master Plan process. This could be a way to gather citizen's input on the topic. The Committee will meet again to discuss this further.

The hearings before the ZBA were on August 15th, the BWSC application was granted, of the other two sign requests, both of which changed from digital to static, one was denied and one was continued.

Neil Forster, the Chairman of the ZBA, would like to see a new sign bylaw ready for spring town meeting. The Committee thinks that the sign bylaw should be put back into the Zoning Bylaws instead of the General Bylaw where it is now.

Ms. Coppola asked if the Master Plan will be complete by the upcoming fall town meeting. Ms. Brue stated that the Planning Board is working on it now.

Mr. DeVellis asked if the Master Plan will be addressing digital or static billboards or both. He also wanted to know why one of the applications was denied.

Bill Casbarra stated that the decisions were based on the information presented by each applicant based on what the current regulations are. The applicants are required to show

compelling need for a Special Use Permit. The Board of Water and Sewer Commissioners were able to prove a compelling need of generating revenue for the town; the other applications could not provide a compelling need in the ZBA member's opinion.

The Office of Outdoor Advertising regulations require there be 500 feet between static billboards and 1000 feet between digital billboards.

Merit Pay

Mr. Cutler is bringing the Merit Pay topic before the Board as he is concerned for the non-union personnel. The Merit Pay system that was supposed to begin this fiscal year is on hold due to the Town Manager issue.

Mr. Cutler explained that a wage reclassification study was done in 2012 and a new system was approved as a result of that study. The old five step system went to a ten step system for each grade. Each step up is worth 2 ½%. The merit system was not fully developed at that time though as the evaluations system was not in place yet. Draft forms were developed and when the new Human Resource Director was hired she helped refine the forms and they were to be presented this spring. The Department Heads had concerns about the process and were supposed to meet with Mr. Paicos. This meeting never happened and the process has been on hold ever since.

A budget of \$58,887 was approved at town meeting to fund merit increases as the increase could be up to 2½% depending on the employees review. Mr. Cutler is recommending a 1.25% merit increase for all non-union employees if their supervisors agree that an increase is warranted as there was an expectation that merit reviews would be conducted this year.

The goals and objectives were presented to department heads, but not to the other employees. It needs to be determined if non-supportive staff needs goals and objectives.

Mr. Cutler stated that there will be an evaluation system in place going forward. He feels that the 1.25% increase is the fairest way to handle the present situation as the employees have been waiting patiently. Future increases will be based on meeting goals. This does not need a vote of the Board, Mr. Cutler brought this forward for transparency.

Mr. Gray asked how the goals and objectives flow, from the Town Manager down or up to the Board of Selectmen for input. Mr. Cutler explained that Mr. Paicos sent out goals and objectives and they were discussed at a department head meeting. They were then to flow down to the rest of the employees.

Ms. Brue asked if the department heads could be evaluated now as they were aware of their goals and objectives. Mr. Cutler stated that even though the department heads had goals and objectives, there was no plan in place and the evaluation process should have been in existence prior to giving out the goals and objectives. He feels it would be difficult to perform evaluations now in his opinion; he has a different understanding than Mr. Paicos did.

Ms. Coppola stated that the employees should not suffer if a process was rolled out before it was ready.

Mr. DeVellis stated that some employees will have high expectations and will be disappointed to get less than what they think they deserve but does not think it would be fair for Mr. Cutler to try to conduct evaluations right now.

Town Hall Building

The Board met with Building Commissioner Bill Casbarra about the Town Hall. Mr. Casbarra stated that he meant no disrespect when he brought the kayak to a recent meeting. The Board requested that Mr. Casbarra look into lease options for the town hall. Mr. Casbarra has a summary of his findings. He feels that the five employees currently located in the basement are not in a good work environment but there is no room for them on the upstairs floor.

1250 sq. ft. of space is needed to relocate these employees. One option would be to locate a double wide trailer in the parking lot of town hall which would be leased for \$32,807 per year; this cost would include delivery, setup and accessibility. It would not include sewer and electric hookups. Another option is the old post office at 4 Cocasset Street. They have 7,700 sq. ft. available for \$84,000 per year. If this option is used, Mr. Casbarra suggests that core town hall departments such as administration, land use or finance locate there. This would be a furnished space that would need a few alterations but could be workable. The first option would not result in a disruption of services to the town; the second option could result in a disruption of services if a larger group is moved.

The Chairman also requested the Mr. Casbarra look at office space available in town to move the whole town hall to. The costs of these vary greatly and may not include all utilities. The post office was not included as it is difficult to determine when it may be available.

Mr. Casbarra feels the priority is to move the downstairs employees and then move forward with the renovation or replacement of the town hall. He has been on the Town Hall Committee for seventeen years and feels it is time to move forward.

Mr. Gray asked if the Cocasset Street property might be walked through. The owners were present and are willing to let Board members walk through if they wish.

Mr. Sullivan noted that other towns have departments in different locations and would be willing to split locations for the short term.

Mr. Casbarra explained that there is a third option, building a new town hall in the current parking lot, but core samples need to be taken as there used to be a school there and the foundation may still be there. This option would save relocation costs but would require a Special Permit or Variance from the Zoning Board. The town hall could remain in operation while the new town hall is being built.

Mr. Scollins stated that a Special Town Meeting vote would be needed for any of these options. Cost options would need to be gathered. He recommends placeholders for the town meeting warrant for the core samples, architectural drawings, moving personnel, etc.

Ms. Coppola asked how it would be determined who moves where. Mr. Casbarra recommends it be based on core groups, for example permitting boards such as Board of Health, Conservation, Planning Board and Building.

Mr. Casbarra stated that the Board of Water and Sewer Commissioners are going forward with their plan for a new DPW building on Elm Street. If this happens then the basement employees could move to their space and a trailer may not be needed.

Another option is to convert the Selectmen's Meeting Room to office space and move the meetings to the library or the high school.

Mr. DeVellis stated that he attended the CIP meeting and feels that there will be many years of expenses no matter what option is chosen. He recommends that the Permanent Building Committee meet with Mr. Heydecker's committee to work out their problems before town meeting.

The Board would like the Building Committee invited to the next meeting.

The timing of town meeting could interfere with the issuing of bids for next spring.

Town Manager Transition Funding

The Board met with Finance Director Randy Scollins on the cost of the transition to a new Town Manager.

Mr. Scollins stated that the total costs would be approximately \$143,000 and could be obtained in three ways, through AdCom transfer, a Special Town Meeting or a year end Town Meeting transfer.

The Interim Town Manager costs are \$18,975 and the search committee costs are expected to be approximately \$14,000. This amount of \$32,975 could be transferred by the AdCom.

The previous year costs of \$2,555.20 and the new town manager costs of \$84,807.69 for salary, \$1,541.90 for Medicare and \$6,504.16 for insurance for a total of \$95,408.95 could be voted on at Town Meeting and a year end transfer is usually done for remaining vacation which is \$14,546.77 for Mr. Paicos 5 weeks of vacation and \$210.93 for Medicare costs for a total of \$14,757.70.

Mr. DeVellis asked why the vacation funds were not in the budget. Mr. Scollins stated that it is usually an unknown amount that is usually determined when the budget process is going on.

Ms. Brue noted that she consulted the Collins Institute on a salary for a new Town Manager and they recommended approximately \$175,000. This would be the high end of the scale.

Larry Thomas of the Finance Committee stated that their first meeting will be on September 11th.

Ms. Brue asked about the funding for help in the Town Clerk's office. Mr. Scollins stated that it is there already due to a retirement in the office.

Frank Mortimer of the Foxboro Reporter stated that the more refined number is helpful and the number the paper reported was based on the costs stated at the time of Boards announcement of Mr. Paicos departure.

Town Manager Recruitment Discussion

Ms. Brue stated that she is working on the recruitment process and has spoken with members of the last search committee. She is suggesting a different approach be used this time, with the Collins Center providing services, they are commission based so no bid process would be needed. She would like to invite them to the next Board meeting so they can make a presentation to the Board.

Things such as the membership of the screening committee, how many applications to bring forward to the Board, etc need to be determined. The Collins Center feels that this would be a desirable position.

Action Items

The revised letter to be sent to the EPA on behalf of the NRRC regarding the NPDES permit for Invensys has been prepared. Mr. Gray read the letter. Steve Sacco of Invensys came tonight as they were not informed that this letter was being sent. He cannot dispute the facts, the EPA has not issued a permit, but stated that Invensys has always complied with federal regulations and are a good corporate citizen.

Mr. DeVellis noted that the letter isn't addressed to Invensys, but was being sent to the EPA out of frustration that they have taken no action since the regulations have changed since the last NPDES permit was issued in 1996.

Mr. Gray asked if this action will have a negative impact on Invensys. Mr. Sacco stated that the person who could address this is on vacation so he does not know what the impact will be.

A motion to send the letter after it was edited was approved at the last meeting.

The Hockomock YMCA is requesting permission to hold a 5K road race on September 21, 2013 from 8:00 a.m. – 12:00 p.m. The application has been reviewed and signed off on by the Police and Fire Chief.

A motion to allow the Hockomock YMCA to conduct a 5K road race on September 21, 2013 from 8:00 a.m. – 12:00 p.m. was made by Mr. Gray and seconded by Mr. DeVellis. The motion carried 5-0-0.

A request has been made from the MBTA Advisory Board of the need for a representative from the community. Town Planner Sharon Wason has agreed to be the designee.

A motion to appoint Town Planner Sharon Wason as Foxborough's designee to the MBTA Advisory Board was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

The minutes of June 27, 2013 were reviewed.

A motion to approve the minutes of June 27, 2013 was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

The minutes of July 23, 2013 were reviewed.

A motion to approve the minutes of July 23, 2013 as amended was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

The minutes of August 6, 2013 were reviewed.

A motion to approve the minutes of August 6, 2013 as amended was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A request has been received for a Hackie License for Kingsley Ofosu-Ampofo from Maurice Cab. This driver will replace a driver Iadil Abbas Faris who has left the company.

The Board would like Mr. Cutler to check if Mr. Faris license needs to be rescinded.

A motion to approve the Hackie License for Kingsley Ofosu-Ampofo was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

A motion to adjourn the meeting to enter into Executive Session at 9:36 p.m. and to return to regular session solely to adjourn was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0.

The Board returned to regular session at 9:57 p.m. and was adjourned.

Respectfully Submitted,

Diana Gray

John R. Gray, Clerk