

SELECTMEN'S MEETING MINUTES
May 7, 2013

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

Others Present: Town Manager Kevin Paicos
Barry Birks, Toby Keith I Love This Bar and Grill
Jack Authelet
AJ Dooley

The meeting was brought to order at 7:00 p.m. by James DeVellis, Chairman. Chairman DeVellis reviewed the agenda and welcomed new member John Gray to the Board.

Citizen's Input

Sandra Herrmann presented the Board with the completed Town Report; she wanted to thank all the Department Heads for their input. She noted that the report is a history of the accomplishments for the year with a user friendly format. She wanted to thank the Town Report Committee for their work and especially thank Jack Authelet for his work on the Cover and the dedication.

Ms. Brue who is on the Town Report Committee thanked Ms. Herrmann and Ms. Shewry for their work on the report as well as the other committee members. Mr. Paicos also wanted to express praise for Ms. Herrmann's work on the report.

Todd Kaiser of 42 Adams a teacher in town and a member of the IAC wanted to comment on the insurance changes for town employees. He stated that the IAC met in January and was told that the recommendations would be ready in a month. The changes weren't received until April 30th and the IAC did not have any input on the changes. He feels the IAC is underutilized. Now they are being told that the PEC will be forming this week. Mr. Kaiser feels that the people that work for the town need to be respected.

Mr. Paicos stated that he cannot comment on the Collective Bargaining process which is guided by legal requirements but feels that there is some confusion in employees' involvement. The employees will be involved in the discussion on how to spend the first year's savings as required. The rates were given to the town in March and were passed along as soon as possible. The first employees' meeting will be this Thursday.

George Leonard of 3 Aldrich Road informed the Board that at their April 30th meeting, the Crossroads Veterans Services district was dissolved. It was felt that the district was too political and was taking away from the intended efforts for veterans.

Paul Dumas of 4 Adams Street who was the Crossroads District Representative commended the Board of Selectmen for their support of the district. He also wanted to thank Mr. Paicos, Mike Johns and Bob Siteman. He requested that this be a future agenda item but noted that town veterans will still be taken care of.

Chairman's Update

Mr. DeVellis thanked Lynda Walsh for the positive campaign and noted that her presence on the Board will be missed. He also wanted to thank his wife and family as well as the Town Hall staff who successfully ran a double election. He noted that 28% of voters participated and wished it could have been higher.

Town Meeting will be on May 13th, the fourteen members of the Advisory Committee diligently worked on 29 articles for this meeting. Mr. DeVellis encouraged townspeople to come to Town Meeting and vote on these articles. They are available for review online.

Mr. DeVellis recently went to the State House to testify on behalf of the Adam Walsh Act, he hopes this act will pass and help to make a difference. The Sheehan matter has focused attention on how to bring accusations forward and how to not let something like this happen again.

John Gray noted that he is thankful that the election is over and thanked the community for their vote of confidence and is looking forward to working with the members of the Board.

Board Re-Organization

Mr. DeVellis noted that he enjoyed his year as Chairman but does not wish to continue in the position.

A motion to nominate Mr. Sullivan as Chairman was made by Ms. Brue and seconded by Mr. Gray. **The motion carried 4-0-1 with Mr. Sullivan abstaining.**

A motion to nominate Ms. Brue as Vice Chairman was made by Mr. Gray and seconded by Ms. Coppola. **The motion carried 4-0-1 with Ms. Brue abstaining.**

Mr. DeVellis noted that the Clerk's position has traditionally been a ceremonial position but feels that the Clerk should take a more active role and be responsible for schedules, Board invites, etc. This would take some of the burden off the office staff.

A motion to nominate Mr. Gray as Clerk was made by Ms. Brue and seconded by Mr. DeVellis. **The motion carried 4-0-1 with Mr. Gray abstaining.**

Mr. Sullivan thanked the Board for their confidence in him but noted that he will need help and asked that they all work together.

Application for Change of Manager at Toby Keith's I Love This Bar and Grill – 275 Patriot Place

Barry Birks came before the Board. He stated that he has worked at Toby Keith's for the past three years but been at the corporate level helping to open new locations. He will now be the new Manager. He currently lives in Boston but will be moving to Mansfield within the month. He looks forward to being a part of the community and is excited to be back in Foxboro.

Mr. Paicos noted that ten year's employment is required on the application and Mr. Birks only went back to 2007. Mr. Birks apologized for the oversight and will submit the required information.

Mr. Sullivan stated that he hopes Mr. Birks will be responsible as there have been situations at this location in the past.

Mr. Birks stated that there will be ongoing TIPPS training as well as how to deal with people training. He plans on being at the front door himself on busy nights to be sure that situations are handled correctly. He feels that a General Manager should be in the building on weekend nights too.

A motion to approve the Change of Manager for Toby Keith's I Love This Bar and Grill to Barry Birks subject to the submission of job history was made by Ms. Brue and seconded by Mr. DeVellis. **The motion carried 5-0-0.**

June 1, 2013 Volunteer Town Wide Clean Up

Jack Authelet and AJ Dooley came before the Board to discuss having a town wide clean up. Mr. Authelet noted that last year at Town Meeting there was a discussion on Foxboro going green; he would like to discuss the town going clean. There were no town events for Earth Day this year so he and his wife took a walk around the center of town and took pictures of the accumulated trash and sent them to the newspaper. Mr. Dooley saw the pictures and called him to help organize a clean up day.

On June 1st from 8 a.m. to 2 p.m. volunteers will be going to designated areas of town to clean up. Mr. Dooley has volunteered to pick up and dispose of all collected items. They hope to have a web page up by the end of the week for townspeople and organizations to go to sign up. Scout, school and church groups are encouraged to sign up. High visibility t-shirts will be provided to all volunteers and there will be guidelines for young people participating.

Mr. Gray feels that this is a great idea and hopes there will be enough time to get volunteers.

Mr. DeVellis noted that this is the same day as the Diabetes race. Mr. Dooley stated that they will cover that area later in the day as to not interfere with the race.

Ms. Coppola thinks this is a great idea and will be a good kick off to Founder's Day.

When asked about the progress on the fencing at the common, Mr. Authelet noted that 10 posts need to be replaced. Quotes are due by the end of the week. DPW Director Roger Hill will be updating the Board on this at the next meeting. Mr. Paicos stated that he will take care of the funding.

Mr. Authelet also noted that a flowering tulip has been planted near Memorial Hall and will be part of the June 7th events on the Common. The Jaycees repaired the bandstand last Saturday.

Update on Town Refuse Collection Contract

Mr. Paicos had a discussion with the Board of Health and their staff recently asking if they wanted changes to the town trash system. They would like to see single stream recycling.

Mr. Paicos reviewed the history of the town's trash contracts from 1997 on. The most recent provider who received the town contract has had some local competition and as a result they do not have the number of customers that they anticipated. The second year of their contract begins on July 1, 2013. Mr. Paicos asked if there is any worth to having a town contract. The Board of Health stated that they have no objection to getting out of the town contract. Mr. Paicos stated that there are two things in the contract that inflate the prices for homeowners, the requirement to pay prevailing wage and the obligation to collect from all town buildings. Since the provider has fewer customers, those customers are paying more to have the provider collect at the town buildings. The provider has not made a decision on whether or not to ask for the contract to be cancelled.

Mr. Gray noted it is unusual for a vendor to cancel a contract. Mr. Paicos stated that the provider anticipated having 4,000 users, but now only have half that amount; he is looking to create the best deal for the homeowners. He feels that if the provisions of the contract are removed, then other vendors would lower their prices too.

Ms. Brue is concerned with safety regulations. Mr. Paicos stated the OFFAL covers regulations for all trash handlers.

It costs \$30,000 for the town building's trash collection. This amount was supposed to be spread out to all the customers of the provider which currently is only 2,000 customers. Mr. Paicos feels that the vendor cannot maintain their pricing if they keep losing customers. They also provide service for Walpole.

Tim McCarthy of 387 South Street presented a copy of an article from April 11th which says that the current provider asked to be let out of the contract last fall.

Howard Segal of 3 Katherine Road stated that the contract exists to cover everyone in town, if it is cancelled it will be a free for all and the haulers can be selective on who gets their trash picked up.

Mr. Sullivan noted that this is a problem that needs to be addressed.

Ms. Brue would like to wait for Board of Health regulations before continuing this discussion.

Mr. DeVellis stated that the town is currently covered under a contract and feels that the Board is being asked to react to something that hasn't been requested.

Ms. Coppola stated that she has not heard any complaints from townspeople over trash pick up.

Town Manager Annual Performance Review/Salary Adjustment

Mr. DeVellis stated that the Town Manager has a four year contract with the town, this is his third year. The first year he received 0%, the second year he received 3%.

Ms. Brue noted that his Performance Review was for Meets Expectations, which is the same rating as the previous year. Mr. Paicos financial management and execution of tasks ratings were both excellent. A COLA is not in the contract. Ms. Brue recommends an increase of 3% to 3.25%.

Mr. Paicos noted that in most other town contracts, a Meets Expectations rating merits a 2% increase. His contract does not fall under this system.

Mr. DeVellis thinks that if 2% is the average than that is what Mr. Paicos should get.

Mr. Gray stated that he is relying on past and professional opinions and agrees with the 2% proposed by Mr. DeVellis.

A motion to increase the Town Manager's base salary by 2% effective July 1, 2013 to \$151,286.40 was made by Mr. Gray and seconded by Mr. DeVellis. **The motion carried 5-0-0.**

Ms. Brue feels that the evaluation form used should be reworked for next year.

Action Items

The minutes of April 16, 2013 were reviewed.

A motion to approve the minutes of April 16, 2013 as amended was made by Ms. Brue and seconded by Ms. Coppola. **The motion carried 5-0-0.**

The minutes of April 23, 2013 were reviewed.

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

Ellen Garber would like to be appointed to the Board of Registrars

A motion to appoint Ellen Garber to the Board of Registrars for a three year term expiring May 7, 2016 was made by Mr. Brue and seconded by Mr. Gray. **The motion carried 5-0-0.**

The Building Commissioner is requesting the dissolution of the Sign By-Law Committee until the Master Plan is implemented. The Town Manager has not had the opportunity to review this request. No Action is taken at this time.

Wallace Chase is requesting a renewal of his Hackie License. Ms. Coppola would like his address verified for the record. A motion to approve the Hackie License Renewal for Wallace Chase subject to verification of his address was made by Ms. Brue and seconded by Mr. DeVellis. **The motion carried 5-0-0.**

The Library Board of Trustees has donations for the Boyden Library Gift Fund. The first one is for \$350 from Kenneth and Patti Elovitz for renewal of the Providence Children's Museum pass.

A motion to accept the gift of \$350 from Kenneth and Patti Elovitz to the Library Gift Fund with gratitude was made by Mr. Gray and seconded by Ms. Brue. **The motion carried 5-0-0.**

The second donation is for \$3,875 from the Lakeview Pavilion Charitable Foundation for renewal of passes to: Boston by Foot, Boston Children's Museum, Isabella Stewart Gardner Museum, Museum of Fine Arts, Museum of Science, Mystic Seaport, NE Aquarium, Plimouth Plantation, Zoo New England – Franklin Park and Stone Zoo.

A motion to accept the gift of \$3,875 from the Lakeview Pavilion Charitable Foundation to the Library Gift Fund with gratitude was made by Mr. Gray and seconded by Ms. Brue. **The motion carried 5-0-0.**

An invitation has been received from the Boy Scouts for an Eagle Court of Honor for William Long, Jr. It will be held on Friday, June 7th at 8:00 p.m. at the Bethany Congregational Church. This is the same day as the Anniversary event on the common.

Mr. Sullivan will attend the Eagle Scout event.

The Conservation Commission has sent a letter to the Town Asset Review Committee in regards to the sale of Parcel 216 of Garrett Spillane Road.

A motion to adjourn the meeting to enter into Executive Session and not return to regular session at 9:25 p.m. was made by Ms. Brue and seconded by Mr. DeVellis. **The motion carried 5-0-0.**

John R. Gray, Clerk