

**Minutes
Of
The Foxboro Water and Sewer Commissioners
January 5, 2010**

Members in Attendance: Chairman P. Henderson, Vice Chairman R. Olsen, Clerk M. Stanton, Superintendent L. Potter, Advisory Members Bob Garber and Gary Whitehouse, Selectman Linda Walsh, Foxboro Reporter Frank Mortimer; Selectman Lorraine Brue and Finance Director Randy Scollins at 8:40 p.m..

The minutes of November 24th, December 15th and December 28th were reviewed.

The minutes of November 30, 2009 and December 1, 2009 were approved 3-0.

A request for a Sewer Permit for a change of use at 29 Bird Street is being made by the House of Pizza. They will be expanding into the space formally occupied by a hair salon next door to their present business. The current permit for this space is 627 GPD. Currently they have been using only around 73 GPD due to the vacancy. L. Potter recommends renewing the permit at 627 GPD for five years. A motion to approve the permit at 627 GPD for five years, revisiting the amount in one year was approved 3-0.

A meeting date was scheduled for January 19, 2010.

L. Potter stated that the R & M Realty representative called today, L. Potter informed R & M Realty that the approximate cost estimate of 25,000 gallons of flow would be \$29 per gallon for a total of \$750,000 to purchase.

The Board will be meeting with the Board of Selectmen on January 12, 2010 to discuss sewer related issues.

Warrant Articles for Town Meeting are due by February 15, 2010.

L. Potter has been speaking to the Town Planner, Marc Resnick, in regards to the work that will be done on Payson Road from Dexter Road to Lawton Farm. They have received a grant to pay for roadwork and drainage. L. Potter would like to replace the water main also, there is approximately 2,900 feet of pipe there. Mr. Resnick anticipates that this work will start in July. L. Potter stated that he can attach the water main work to the contract to be awarded, but the department will need to pay for the design and construction work. If the water main is not replaced when they repave the road, it cannot be replaced for five years. L. Potter anticipates this to cost approximately \$350,000, of that he currently has \$125,000. There is a similar situation on Chestnut Street; the Planner has informed L. Potter that a grant has been received to redo the road. L. Potter feels that there will not be enough time to get the design work done to replace the lines there due to time constraints but gate valves and hydrants can be replaced. L. Potter will write up a Warrant Article for the upcoming Town Meeting in regards to this.

L. Potter informed the Board that the flow numbers through the end of December are up.

There will be a meeting with the Advisory Committee on January 13th at 7:30 p.m. to review the operating budget for next year. M. Stanton will go with L. Potter. They will also meet with Bob Garber tomorrow morning.

The Board discussed the Witch Pond Plant dedication. Warren McKay is available on Saturday's from 1-4 p.m. The Board decided to plan the dedication on January 30th, but will confirm this date with Mr. McKay.

There is an IMA meeting on Thursday at 6:00 p.m. in Mansfield.

The Annual Report is due on February 15th.

The Board discussed an issue that has been brought up about the Open Meeting Law and negotiations. P. Henderson has spoken with Town Counsel about the Ad Hoc Committee, including the full Board, going into executive session. Town Counsel has advised that this is not allowed under new regulations that have gone into effect since the last time the Board was in negotiations with the Patriots. Executive Session is only allowed for labor negotiations, litigation and land purchases. A meeting is set up with the Ad Hoc Committee and the Patriots for this upcoming Monday night; this will be a meeting to introduce the players. The Board discussed moving the meeting from Gillette to the McGinty Room at the Public Safety Building.

A motion to reschedule the meeting of January 11, 2010 at 4:00 p.m. to either the McGinty Room or the Selectmen's meeting room depending on availability was made by M. Stanton; R. Olsen seconded the motion for discussion. R. Olsen stated that she is afraid of the Patriot's walking away from discussions. This will risk the expansion of the sewer system project as the Board will have no source of revenue. The Board discussed having a full board present and conducting an open meeting or just sending one member as part of the Ad Hoc Committee. The Board discussed putting the Patriots in a position of having to negotiate in open meeting without giving them a chance to discuss and felt this is not an option. A vote of the motion was called; it failed 1-2 with P. Henderson and R. Olsen opposed.

A motion to change the meeting of January 11, 2010 with the Patriots representatives to an Ad Hoc Group meeting with one member of the Water and Sewer Board present; this will be an initial meeting to set up parameters and to let the Patriots know that future meetings could potentially be open meetings with full boards. The motion carried 2-1 with M. Stanton opposed.

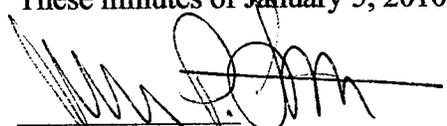
The other members that make up the Ad Hoc Committee are two members of the Board of Selectmen, the Finance Director, Town Counsel, the Water Superintendent and a member from AECOM.

The meeting was adjourned at 8:47 p.m.

Respectfully Submitted,

Diana Gray

These minutes of January 5, 2010 were approved as amended on February 23, 2010.


Michael Stanton, Clerk