

SELECTMEN'S MEETING MINUTES
April 13, 2010

Members Present: Paul Feeney, Chairman
Lynda Walsh, Vice Chairman
Paul Mortenson, Clerk
Lorraine Brue

Members Absent: Larry Harrington

Others present: Andy Gala, Town Manager
Randy Scollins, Finance Director
Police Chief Edward O'Leary
Attorney Paul DeRensis, Town Counsel
Fire Chief Roger Hatfield
Anthony LaChapelle, Chairman, Town Manager Search
Committee, Nancy Bacher, Christopher Martes,
Rebecca Center, Robert Cutler
Dan Murphy, Gillette Stadium, Eagles Concert
George Bell, Stadium Advisory Committee
James Civilinski, Manager Third Generation Enterprises,
Inc.
Attorney Philip Macchi
Attorney Jeff Lovely
Richard E. Carrigg, Manager, Gulf Resources, Inc.
Hannelore Simonda, Chief Assessor, Members of the Board
of
Assessors
Bob Swanson, Highway Superintendent

The meeting was brought to order at 7:00 p.m. by Paul Feeney, Chairman.

7:30 – Citizens Input – Chairman Feeney explained that Board member, Larry Harrington, was out of Town and had asked to participate via telephone conference. Paul Feeney said the Board should have more discussion on out-of-Town participation and should be put on the agenda for a future meeting. He asked Town Counsel, Attorney DeRensis, if by denying the request at this time, the Board would be in violation of the open meeting law. Attorney DeRensis offered to read the entire statute but said nothing is written referring to remote participation at this time. There would be new language in that regard effective July 1st.

Tony LaChapelle, Chairman of the Town Manager Search Committee, came before the Board to give an update on the progress of the search to date. He reported the Committee had met four times to outline the search process and

review the resumes that have been received. The Committee met with the Town Manager of another community to gain information on the availability of qualified candidates and to get an idea of how the position in Foxborough is perceived by other possible candidates. He said only 27 resumes have been received; the Committee had hoped to receive more than that. The fact that there is an in house candidate may cause some candidates to feel it is a waste of time or too much risk to apply. The Search Committee concluded that the most effective way to move forward is to hire a search consultant. The Committee has interviewed two search consultants. The lowest quote is at \$6,000 and additional expenses are estimated at \$2,000. Tony said the Search Committee is asking the BOS to recommend a Reserve Fund Transfer in the amount of \$10,000. He pointed out that this is the most important hire made in the Town for many years.

A brief discussion ensued. Tony said the Committee is committed to continuing an open and comprehensive search. He briefly mentioned the many responsibilities that Andy Gala has managed with calmness, serenity and focus and that it is going to be a challenge to find a qualified person to serve the Town of Foxborough. Lorraine Brue asked if the search consultant would first review the 27 resumes all ready received. He pointed out that the quote of \$6000 would be to cover the consultant and the additional \$4,000 would be used to cover expenses for travel, mailings, etc.

Motion by Paul Feeney to approve funding not to exceed \$10,000 for the purposes of hiring a consultant to assist in the search of a Town Manager. Seconded by Lorraine Brue. **Vote: 3-0-0**

Motion by Paul Feeney to resolve that the Board of Selectmen is committed to an extensive, open and objective search process for the position of Town Manager. Be it further resolved that the Board of Selectmen fully supports the process as instituted by its appointed Search Committee. Seconded by Lynda Walsh. **Vote: 3-0-0**

7:05 – Public Hearing – Eagles Concert – Gillette Stadium – Lorraine Brue read the Public Hearing Notice. The purpose of this Public Hearing is to review the application submitted by NPS LLC for the 2010 Eagles, Dixie Chicks and Keith Urban concert scheduled for Saturday, June 12, 2010. Dan Murphy was present to address any questions or concerns regarding this application. It was noted that this concert is scheduled on the same day as the Founders' Day celebration in Foxborough. Dan reviewed the basic information on the application; he pointed out the estimated attendance was about 45,000; the parking lots opening at 3:00 p.m. and the start time for the event at 5:00 p.m. and the usual ending time at 11:15 p.m.

George Bell, Stadium Advisory Committee, reported that based on the more mature audience and the “No ticket, no Entry” policy in place, the Committee voted unanimously to recommend approval of this application. Fire Chief Hatfield said he would support approval of this application based on the condition that all fire and emergency services policies and procedures are followed. He said a Level Five detail schedule would be in place. Police Chief O’Leary noted that this would be a little bit more complicated due to Founders’ Day activities. He recommended approval of this application. Lynda Walsh expressed some concern regarding public safety but she has confidence in the Police and Fire Chiefs as well as the Stadium to provide the necessary safety protection for both events. Dan Murphy said the Stadium has offered to pay additional costs for Founders’ Day in order to provide appropriate public safety. They are willing to work with the Town on the day of the concert. Paul Feeney asked that the Patriots get in touch with ticket holders to advise them not to come into Foxborough on that date to avoid traffic issues associated with Founders’ Day and that they utilize the usual check points in the neighborhoods.

Resident Joseph McDonald said it is a bad idea to have a concert at the Stadium on the same day as Founders’ Day. He said Founders’ Day is a day for the Town and other events should not be scheduled on that day. He pointed out that it is a day that occurs on the same weekend every year and it is a well know fact that Founders’ Day is celebrated on that day. He made it clear that he is not against the concert but it should not happen on that particular date. He suggested that the concert could be moved to Sunday instead of Saturday.

Motion by Lorraine Brue to close the Public Hearing. Seconded by Lynda Walsh. **Vote: 3-0-1** (Paul Mortenson abstained.)

A brief discussion was held. Paul Feeney pointed out the Police and Fire could handle the situation but there will most likely be complications. He said these are the types of venues the Town wants to use the facilities at the Stadium. The Town can balance two licensed events on the same day as long as Public Safety has said they could handle the situation and the Stadium is willing to do whatever it can to uphold safety in Town. Lynda Walsh said that this should not be an ongoing thing; Founders’ Day belongs to the people of Foxborough. Brief comments were made regarding parking lot opening time.

Motion by Lynda Walsh to approve the application as submitted by NPS LLC for the Eagles, Dixie Chicks and Keith Urban concert scheduled for Saturday, June 12, 2010 at Gillette Stadium. Seconded by Lorraine Brue.

Vote: 3-0-1 (Paul Mortenson abstained.)

7:25 – Public Hearing – Third Generation Enterprise, Inc. – Paul Mortenson, Clerk, read the Public Hearing Notice. The purpose of this Public Hearing was to review the application for the transfer of an Annual All Alcohol Package Store

License for Third Generation Enterprises, Inc. DBA Route 1 Liquor Mart, Manager James Civilinski.

Attorney Philip H. Macchi was present representing Jim Civilinski regarding the transfer of the liquor license. He explained that Jim Civilinski previously owned Route 1 Liquor Mart and another store in Norwood. The application is to transfer the license to Third Generation Enterprise, Inc. for the purpose of separating the two businesses. Attorney Macchi explained that nothing else is to change. This has been discussed with the ABCC. A brief discussion ensued.

Motion by Lynda Walsh to close the Public Hearing. Seconded by Paul Mortenson. **Vote: 4-0-0**

Motion by Lynda Walsh to approve the application for the transfer of an Annual All Alcohol Package Store License for Third Generation Enterprises, Inc. DBA Route 1 Liquor Mart, Manager James Civilinski. Seconded by Paul Mortenson. **Vote: 4-0-0**

7:40 – Public Hearing – Gulf Resources – Liquor License – Paul Mortenson, Clerk, read the Public Hearing Notice. The purpose of this Public Hearing was to review the application for a Wine & Malt Liquor Package Store License for Gulf Resources, Richard E. Carrigg, Manager.

Attorney Jeff Lovely was present to discuss the application for a Wine and Malt Package Store License for Gulf Resources at 20 Washington Street, Manager – Richard E. Carrigg. Attorney Lovely explained that this is the third time Mr. Carrigg has appeared before the BOS seeking approval of the application for this license. He asked that the license be issued at this time as standard public need and convenience for this type of license has been established.

A general discussion was held. Attorney Lovely pointed out several reasons why a license should be awarded to Mr. Carrigg, including the fact that this license has been available since 2003 and the fact that Mr. Carrigg has a “proven track record” as a good business man. Concerns expressed by the Board included what plans are in place should there be only one clerk in the store and that person would have to leave the register, location of coolers in the store, parking for large delivery trucks, staff training and checking of IDs. Objections to the awarding of the Wine & Malt Beverage license were voiced by Jim Civilinski and Joseph McDonald. Mr. Carrigg pointed out that if a staff person has to leave the area of the cash register the door to the store would be locked. He also noted that the door is “chimed” when someone enters the store. Joseph McDonald pointed out that the need has not changed since the last application was submitted. His comment was that this is the last liquor license

available and a better use would be to wait for expected development on Route 1. Jim Civilinski said he has never opposed the awarding of a liquor license in the Town but he is not in favor of a gas station/mini mart selling liquor – gas stations and the sale of alcohol are not a good combination. Ron Young, LaFayette House, spoke of the difficulty for 18-wheel delivery trucks making deliveries at this gas station. He is concerned about public safety since most of the deliveries of alcohol are made by 18-wheelers.

Motion by Lynda Walsh to close the Public Hearing. Seconded by Paul Mortenson. **Vote: 4-0-0**

A further brief discussion was held regarding the earlier liquor license applications submitted by Mr. Carrigg, the support of regular customers, training staff members, convenience for customers and no sale of alcohol during Patriot home games. It was noted that it might be better to give the license to a known businessman than to hold it for an unknown in anticipation of expansion of businesses on Route 1. A decision should be made on public need and convenience for customers for this type of license.

Motion by Paul Mortenson to approve the application for a new Annual Wine & Malt Package Store License for Gulf Resources, Inc., 20 Washington Street, Manager Richard E. Carrigg. Seconded by Lorraine Brue.

Vote: 3-1-0 (Lynda Walsh voted in the negative.)

8:30 – Public Hearing - Classification Hearing – Randy Scollins, Finance Director, Hannelore Simonds, Chief Assessor and members of the Board of Assessors were present for discussion. Paul Mortenson, Clerk, read the Public Hearing Notice. The purpose of this Public Hearing is to review property valuations and total values of all property subject to taxation in each of the four classes of real property. Randy Scollins explained that the delay in setting the tax rate was due to re-evaluation in 2010 and the valuation of new growth that has to be certified by the State before the final tax rate is determined. Randy expects the second half tax bills to be mailed by next week. Hannelore Simonds, Chief Assessor, said the Board of Assessors had voted to keep the single tax rate on all classes of real estate. Thomas Buckley, Chairman, said changing to a split tax rate at this time would adversely affect efforts to attract new businesses and businesses all ready in Town, especially in these difficult economic times.

Motion by Lynda Walsh to close the Public Hearing. Seconded by Paul Mortenson. **Vote: 4-0-0**

A brief discussion ensued regarding the capture of new growth for purposes of taxation, the effects on taxes from an improving economy and an increase in commercial growth and an explanation of what taxing to the limit of 2-1/2% means to the tax payer. Randy explained that the town's people have

never voted for an over ride but have been very generous in voting for debt exclusions in the past. He pointed out that without the 2-1/2% tax increase the Town would be in “dire straights”.

Motion by Paul Mortenson to retain the single tax rate for 2010 to a Residential Factor of 1. Seconded by Lynda Walsh. **Vote: 4-0-0**

8:45 – Proposed FY11 Budget – Randy Scollins, Finance Director, distributed a work sheet outlining the process followed to balance the FY11 budget. Randy pointed out that although he is not confident in the numbers from the State and after discussions with the School Department a decision was made to go with a 3% reduction in State aid as a reasonable estimate. After adjustments of reduced State Aid by 3% and lower than estimated certified values the FY2011 Budget shows a revised deficit of (\$842.1) – Reduction in S.E. Regional Assessment and a revision of Snow & Ice and Free Cash revenues the reduced deficit is (\$321.3) and final budget reductions recommended for Municipal of \$96.4 and School Department of \$224.9 the budget is balanced.

A discussion was held regarding the steps taken to arrive at a balanced budget. Randy Scollins pointed out that it has been a difficult year to try to address the needs of the Town and at the same time find ways to reduce the revised deficit. He had to see what the final revenue forecast was going to be before he could determine how much was going to have to come out of the Reserve Fund. He said the goal has been to maintain services and that has been accomplished by having some one-time funds available. The issue of open labor contracts was discussed. Andy Gala said these were not included in the budget; efforts are being made to negotiate contracts with no salary increases. Randy Scollins noted zero COLA increases for FY2011 and that for FY2012 a similar recommendation would be made as other contracts come up for renewal in order to balance the budget. Those contracts that are coming up would be Fire, Library and Teachers. It was pointed out that the Advisory Committee was discussing the BOS budget with the thought that budget reductions could be made there. Further discussion was held on whether to reduce or eliminate the stipend for the Board and whether the stipend is used or not.

Motion by Lorraine Brue to reduce the BOS Stipend by 50%. Seconded by Paul Feeney.

A brief discussion ensued on whether it should be left to the individual Board member to decide whether to use it or not, to let new Board members make a decision on this issue, a suggestion that the Advisory Committee bring this to a vote at Town Meeting and how much this would reduce the overall budget.

Vote: 2-2-0 – motion failed.

Paul Feeney said he would be willing to reduce the stipend; he agreed with making a change but he is concerned on setting a precedent for the future and that it might deter persons from running for selectmen..If the funds are not used they revert back to the general fund.

Motion by Paul Mortenson to approve the recommended changes to balance the FY2011 Budget as presented by Andy Gala, Town Manager and Randy Scollins, Finance Director. Seconded by Lynda Walsh. **Vote: 4-0-0**

9:10 – Compost Area Fees – Bob Swanson, Highway Superintendent, came before the Board to discuss the compost area fees. He said the present fee of \$700 per year for landscapers does not cover the costs of operating the compost area. He pointed out that it is not his intention to recoup the entire cost but he is concerned about the amount of time his employees spend at the compost site. He said only 81% of people pay for trash pickup by the Town but 100% of the people can go to the compost site without charge. Of the landscapers who have contracts, none of them have Town trash pickup service. There are some landscapers who do not pay the fee because they are only part time landscapers after their full time jobs. Bob had several suggestions – raise the fee to landscapers (he suggested doubling the fee), not allowing any landscapers to use the area, charging the residents a small fee and reducing the number of hours of operation. Andy Gala, Town Manager, suggested not charging an annual fee, but to charge by the truck load and reduce the number of days the area is open.

Christopher Mitchell, 9 Spruce Street, pointed out that the timing of this is problematic as he has all ready made his plans for landscaping. He said the greatest expense for the Town is chipping and grinding and there are other ways to manage that. He said the compost could be a very good product. Joan Gallivan, 63 Alden Street, spoke about the number of times she has made suggestions. She was upset because she was not notified that this subject was on the agenda for tonight's meeting. She suggested that someone come up with a more creative solution to the problem. Paul Mortenson thought it would be unfair to impose something right away. It would be a good idea to meet with those interested in forming a committee to try to come up with a good resolution. Buddy Brackett suggested out sourcing the operation, limit the number of days the compost area is open or limit the number of vehicles per day. Lynda Walsh suggested forming a committee to try to decide on what can be done.

Motion by Paul Feeney to appoint a compost study committee to be made up of one member appointed by the Highway Superintendent, one member appointed by the Town Manager and a person in the landscape business. Seconded by Paul Mortenson. **Vote: 4-0-0**

A further discussion was held regarding fees, who should be paying and how to better manage the compost area. Bill Motta, 21 Meadowview Rd., felt that because of the short notice the Town should hold the \$700 fee; there are a lot of questions to be answered and the Town should start monitoring.

Motion by Lynda Walsh to set the fee at \$700.00 per year for this year for landscapers using the compost area. Seconded by Paul Mortenson.

Vote: 4-0-0

It was noted that the timing is bad for changing the fees, more needs to be done to find people who use and do not pay, and if stickers are used they need to be monitored every week. Bob Swanson asked if the Board wanted to think of charging people who use the compost area but do not use the trash pick-up service a nominal fee to use the compost.

Motion by Paul Feeney to set a rate of \$25.00 per year for any resident who does not use the trash collection service. Seconded by Paul Mortenson.

Vote: 4-0-0

ACTION items taken out of order:

Safety Concerns – South High Street & Old Green Street – Kathryn Molina came before the Board to discuss traffic safety at this intersection. Ms. Molina explained that people use this street as a cut through and they do not stop at the stop sign. It is a very dangerous intersection and her concern is for children in the area. Chief O’Leary said he has reviewed the data on accidents at this intersection. He suggested to Bob Swanson that additional signage should be considered to see if that would help the situation. Making this a one-way street was suggested and to eliminate entry from Rte. 106. It was also suggested the intersection be redesigned. Bob Swanson pointed out that a public hearing would have to be held if the intersection was to be redesigned. Chief O’Leary said it is important to get some input from the families on the street. Paul Feeney recommended a public hearing be scheduled in May.

Order of Articles on the ATM Warrant – Andy Gala explained that a request had been made by Brian Walton on behalf of the Advisory Committee to switch the order of the Warrant Articles for funding articles – Article 6 – Boyden Library Renovation Project and Article 7 – W&S Oak Street Treatment Plant. A brief discussion was held. It was noted there was no supporting information accompanying the request and that the Town Manager had followed the customary process for listing the articles. The Board respectfully declined the request.

Article 8 – Authorize Acceptance of Gifts/Grants – Andy Gala said the Water & Sewer Commissioners asked to have this article taken off of the Warrant. A brief discussion was held.

Motion by Paul Mortenson to remove from the Warrant Article 8 – Authorize Acceptance of Gifts/Grants as requested. Seconded by Lorraine Brue.

Vote: 4-0-0

ACTION:

Minutes – The Minutes from the Board of Selectmen’s Meeting of March 23, 2010 were reviewed.

Motion by Paul Mortenson to approve the Minutes of March 23, 2010 as submitted. Seconded by Lynda Walsh. **Vote: 4-0-0**

Legal Invoices – Received from Collins, Loughran & Peloquin, P.C. an invoice for services rendered 03/08/2010 through 03/31/2010 in the amount of \$3,145.00.

Motion by Paul Mortenson to approve the invoice from Collins, Loughran & Peloquin, P.C. for services rendered 3/08/2010 through 03/31/2010 in the amount of \$3,145.00 as submitted. Seconded by Lynda Walsh. **Vote: 4-0-0**

Received from Peter Epstein, Esq. an invoice in the amount of \$1,830.00 for services related to Cable Television Licensing.

Motion by Paul Mortenson to approve the invoice from Peter Epstein, Est. in the amount of \$1,830.00 for services rendered as submitted. Seconded by Lynda Walsh. **Vote: 4-0-0**

New Officer/Director – Received from GMRI, Inc. an Application for a New Officer/Director for The Olive Garden Italian Restaurant, 392 Patriot Place South, Foxborough.

Motion by Paul Mortenson to approve the application for a New Officer/Director for The Olive Garden Italian Restaurant, 392 Patriot Place South as submitted by GMRI, Inc. Seconded by Lynda Walsh. **Vote: 4-0-0**

Library Gift Fund Donations – Received from Jerry Cirillo, Boyden Library Director, notice of the receipt of a gift in the amount of \$300.00 from the Foxboro Lions Club, a gift in the amount of \$20.00 from Michael and Michelle Gawronski, a gift in the amount of \$200.00 from FirstSearch Technology Corp., a gift in the amount of \$800.00 from Foxboro Federal Savings, and a gift in the amount of \$500.00 from Mayfair Realty & Development Co., Inc.

Motion by Paul Mortenson to accept with gratitude the gifts to the Boyden Library Gift Fund in the amounts of \$300.00, \$20.00, \$200.00, \$800.00 and \$500.00 as submitted by Jerry Cirillo. Seconded by Lynda Walsh.

Vote: 4-0-0

Donation for Fishing Derby – Received from Debbie Giardino, Recreation Director notice of the receipt of a gift in the amount of \$1,000.00 from Walmart Stores, Inc.

Motion by Paul Mortenson to accept the gift from Walmart Stores, Inc. in the amount of \$1,000.00 to be deposited into the gift fund as submitted by Debbie Giardino, Recreation Director. Seconded by Lynda Walsh. **Vote: 4-0-0**

Legal Fund Donation – Received from Foxboro Cable Access, Inc. a gift to the Town of Foxborough in the amount of \$1,000.00.

Motion by Paul Mortenson to accept the gift of \$1,000.00 from Foxboro Cable Access, Inc. Seconded by Lynda Walsh. **Vote: 4-0-0**

Hackie's License Application – Received from Michael Paul Lavigne, Sr., 65 E. Washington St., N. Attleboro an application for a New Hackie's License to drive for Foxboro Taxi.

Motion by Paul Mortenson to approve the application for a new Hackie's License from Michael Paul Lavigne, Sr. to drive for Foxboro Taxi. Seconded by Lorraine Brue. **Vote: 4-0-0**

Surplus State Property – Received from Division of Capital Asset Management and Maintenance notice of surplus state owned real property on Payson Road. A brief discussion was held. Andy Gala said he would recommend that the Town had no use for this property on Payson Road. No action taken.

100th Anniversary of the Pilgrim Monument – Received from Eric Martin an invitation to participate in the 100th Anniversary of the Pilgrim Monument in Provincetown scheduled for August 05, 2010. No action taken.

Suburban Coalition - Invitation – Received from the Suburban Coalition an invitation to the Suburban Coalition Legislative Breakfast on April 27, 2010. The Board members will check their schedules. No action taken.

Hazardous Waste Day Contract – Received from the Highway Dept. a contract to be signed by the BOS for Hazardous Waste Day. The contract is with Philip Services Corp. for collection of hazardous waste and "not to exceed \$14,000".

Motion by Lynda Walsh to approve the contract with Philip Services Corp. for a one day collection of hazardous waste not to exceed \$14,000. Seconded by Paul Mortenson. **Vote: 4-0-0**

New Joint Pole Installation – Received from National Grid a petition to install a new pole P.1037-1 on County Street.

Motion by Lynda Walsh to approve the request to install a new pole P.1037-1 on County Street as requested by National Grid. Seconded by Paul Mortenson.

Vote: 3-0-1 (Paul Feeney abstained.)

Appointment – Received from Mary Lou Casson, 4 Independence Drive, a request for re-appointment to the Board of Registrars for a three year term.

Motion by Lynda Walsh to approve the re-appointment of Mary Lou Casson to the Board of Registrars for a three year term expiring April 8, 2013. Seconded by Paul Mortenson. **Vote: 4-0-0**

Keno License Application – Received notice from Mass. State Lottery Commission that Chickie Flynn's has applied for a Keno License. No action taken.

Foxborough Committee Renewals – Andy Gala submitted for the Board's approval a list of Town Committee appointment renewals to be effective on May 1, 2010. A brief discussion was held with particular comments regarding renewals for ZBA and Conservation Commission and names that may be on file of persons who might be interested in serving on a Town committee.

Motion by Paul Mortenson to approve the list of appointment renewals as submitted. Seconded by Paul Feeney. **Vote: 4-0-0**

NEW/OLD BUSINESS

Lynda Walsh spoke briefly about the opening day parade for Softball and Baseball.

Motion by Lynda Walsh to permit the Opening Day Parade for Softball and Baseball scheduled for April 17, 2010. Seconded by Paul Mortenson.

Vote: 4-0-0

Lynda Walsh also thanked the public officials and particularly the Highway Dept. for taking the initiative to help citizens during the heavy rain and flooding that happened recently. She also commended the NNRC for their work

done on the damn because, she said, if that had not happened the Town would still be in a mess.

Paul Feeney expressed concern about illicit activities in the area of Walnut Street and the Farm Stand. The Police have stepped up patrols in that area. He asked citizens to keep an eye on that area and report any questionable activity.

Lorraine Brue asked that time be put on the agenda to discuss the Audit Committee recommendations for Unfunded Liability. She attended a meeting during which a discussion was held on the possibility of sharing with other communities certain Town assets. She would like a discussion on creating an inventory of assets such as central dispatch and heavy equipment to start to see what the possibilities might be for regionalizing some services.

Andy Gala asked that the Board sign the following document:
(Please scan document here regarding bonding \$600,000 and the Mass Water Pollution Abatement Trust.)

Motion by Paul Mortenson to go into Executive Session to discuss criminal investigation and an update of deployment of security personnel and to exit from Executive Session for the sole purpose of adjournment. Seconded by Lynda Walsh.

Vote: 4-0-0	Paul Feeney, Chairman	Yes
	Lynda Walsh, Vice Chairman	Yes
	Paul Mortenson, Clerk	Yes
	Lorraine Brue	Yes

Motion to adjourn by Paul Mortenson. Seconded by Lorraine Brue.

Vote: 4-0-0 Meeting adjourned at 11:30 p.m.

Paul Mortenson, Clerk