

TOWN OF FOXBOROUGH
EXECUTIVE SESSION MEETING
MINUTES
August 10, 2010

Members Present: Lynda Walsh, Chairman
Larry Harrington, Vice Chairman
Jim DeVellis, Clerk
Lorraine Brue
Paul Mortenson

Others Present: Leo Potter, W&S Superintendent
Phil Henderson, Chairman, Water & Sewer Commissioners
Bill Euerle, Clerk, Water & Sewer Commissioners
Randy Scollins, Finance Director
Attorney Paul DeRensis Water & Sewer Commissioners
Randy Scollins, Finance Director
Attorney Paul DeRensis

The meeting was brought to order at 6:00 p.m. by Lynda Walsh, Chairman.

Roll Call votes were taken by the Water & Sewer Commissioners and the Board of Selectmen to go into Executive Session.

Joint Joint Executive Session to discuss lease of real property and to exit Executive Session to go into the regularly scheduled Board of Selectmen's meeting.

A lengthy discussion was held regarding the agreement with the Patriots on advertising on the water storage tank and the wastewater treatment plant. It was noted that the agreement was finalized three years ago. Paul Mortenson expressed concern about the requirements of M.G.L. ch. 30B and the fact that those requirements were not complied with and is there a potential for a disclaimer as there is all ready "social liability" associated with this issue. Phil Henderson pointed out that this has been "kicking" around for some time. Town Counsel has advised that it can be resolved through negotiations.

Town Counsel did not have a final opinion ready for the Board's review at this meeting but would review and send it to Board members the next day. Randy Scollins said he has had conversations over the last year on this subject. It has been stated quite clearly that it has to be re-bid. Mr Henderson disagreed with what Town Counsel told him consistently that this is not a significant issue. He has seen a 180 degree turn around on this matter. Town Counsel advised that because the contract is being performed, it is not necessary to put this out to bid at this time. Paul Henderson said he does not want to move forward on this issue until he has clear and concise answers. Further discussions need to be held regarding the value of the advertising as well as payment for the infrastructure.

Phil Henderson gave a short summary on the negotiations between the Patriots and the Water Dept. He pointed out that W&S did not tie in the twelve liquor licenses with the agreement. Lorraine Brue disagreed with Phil Henderson's comment that W&S did not tie in the twelve liquor licenses with the agreement, but was in exchange for a long list of items related to W&S and the town. Further discussion was held on whether there are two separate contracts, the ten-year contract when everything would be up for renewal and whether to renegotiate for the advertising revenue. Attorney DeRensis pointed out that this is a relatively minor change but if the Board is going with a different approach many things come into play and it becomes a "big deal".

Motion by Phil Henderson to adjourn out of Executive Session for the sole purpose of closing the W&S Meeting. Seconded by Bill Euerle.

Vote: 2-0-0	Phil Henderson, Chairman	Yes
	Bill Euerle	Yes

Motion by Paul Mortenson to exit Executive Session and go into the regularly scheduled session. Seconded by Larry Harrington.

Vote: 5-0-0	Lynda Walsh, Chairman	Yes
	Larry Harrington, Vice Chair	Yes
	Jim DeVellis, Clerk	Yes
	Lorraine Brue	Yes
	Paul Mortenson	Yes

Meeting adjourned at 7:55 p.m.

Jim DeVellis, Clerk