

Selectmen's Meeting Minutes
June 30, 2009

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

Others Present: Sandra Herrmann, Administrative Secretary
Randy Scollins, Finance Director
Attorney Peter Tam, Showcase Cinema DeLux
Timothy J. Cannon
Joseph Norman
Lynn Foell, Cable Advisory
John Regan, Howard Donnelly, Matthew Shea,
Paul Goden and Paul Beck, President, FCA

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

7:00 – Citizens Input – Mike Stanton came before the Board as a new member of the W&S Commission to speak to the Board regarding strategic goal planning for W&S. He is enthusiastic about this and would accept leadership on this. He would like to get started working together on some of the tough issues.

Hector Ballon came before the Board to say that he has not seen anything regarding the code of ethics. He referred to the recent discussions on Paul Feeney's and Paul Mortenson's attendance at a meeting where employees were engaged in talks about unionizing. A brief discussion ensued about conflict of interest. Paul Feeney checked with the State Ethics Board for guidance on possible conflict of interest. Some comments were made relative to the employers of other members of the Board and possible conflict of interest. Larry Harrington said that although he is an employee of Raytheon, there would be no conflict of interest. He would give a statement of disclosure to the Town Clerk.

7:05 – Showcase Cinema DeLux – Change of Manager – Attorney Tam came to discuss the application for Change of Manager for Showcase Cinema DeLux and to answer any questions the Board might have. He gave a brief overview of the experience of the new manager, Timothy Cannon. Mr. Cannon also answered questions from the Board regarding his qualifications and training for fulfilling the responsibilities of manager.

Motion by Lynda Walsh to approve the request for Change of Manager for the All Alcohol Restaurant License Holder Showcase Cinema DeLux, Timothy J. Cannon, Manager, as submitted. Seconded by Paul Mortenson. **Vote: 5-0-0**

7:15 – Revenue Update – Randy Scollins, Finance Director, distributed an Estimated Revenue Update for the General Fund Operating Budget for FY09 – FY2010 and Local Option Taxes information. Randy said the State had finally signed that budget. He said the State has given communities the ability to increase local taxes, such as excise, meals and hotel taxes but that would require a Special Town Meeting. Randy provided estimates of revenue that might be realized if the Town goes in that direction; that would be up to the BOS to decide. Larry Harrington suggested that if the Town voted to raise local taxes in order to increase revenue, could some of that be used as relief for the home owner. Randy explained that State Aid had reduced Chapter 70 funding but to help offset that \$890,000 had been received from the Federal Stimulus money. Other areas discussed included the status of local receipts, insurance premiums, taxation, new growth and free cash.

7:35 – Discussion of Town Manager Contract – Lynda Walsh said she would like to move at this time to extend the contract for Andy Gala for next year. Larry Harrington said he was looking for an affirmative vote from the Board to go into discussions to renew the contract at the end of twelve months. He said he just wanted to move this along.

Motion by Lynda Walsh to enter into contract negotiations regarding the renewal of the contract which expires June 30, 2011. Seconded by Paul Mortenson.

A brief discussion was held regarding the whether it is necessary to vote on renewing the contract or to just let it go one more year when it would automatically roll over to a one year extension, what has been done in the past and making sure that Andy knows the Board wants to go into negotiations to renew the contract.

Vote: 3-2-0

ACTION:

Request for Early Opening Hours – Received from James Nolan, Gillette Stadium, a request for extension of liquor license hours to permit the serving of alcoholic beverages beginning at 11:00 a.m. on Sundays during the Gillette Stadium football season. For Licenses – NPS LLC License #042600013, NPS LLC License #042600014 and Foxboro Realty Assoc. LLC License #042600035.

Motion by Lynda Walsh to approve the extension of hours for NPS LLC License #042600013, NPS LLC License #042600014 and Foxboro Realty Assoc. LLC License #042600035 for the serving of alcoholic beverages starting at 11:00 a.m. on Sundays during the Stadium football season. Seconded by Paul Mortenson.

Vote: 5-0-0

Appointments for Foxborough Historical Commission – Received from Robert Hicks, Chairman, Foxborough Historical Commission a request to appoint Charles Clifford and Deborah Flattery to become associate members of the Commission. A brief discussion was held.

Motion by Lynda Walsh to approve the appointments of Charles Clifford and Deborah Flattery as Associate Members of the Foxborough Historical Commission for three year terms. Seconded by Lorraine Brue. **Vote: 5-0-0**

Change In Licensing Procedures for Verizon – Received from Attorney Peter Epstein a letter notifying the Town that Verizon has submitted legislation to the General Court asking for a change in certain licensing procedures. Verizon wants to reduce the period of time for a municipality to negotiate with a cable company from 12 months to only three months. Attorney Epstein suggested that a letter be sent to representatives opposing this legislation.

Motion by Lynda Walsh to ask Andy Gala to send a letter to Jay Barrows and James Timilty to oppose this legislation. Seconded by Paul Mortenson.
Vote: 4-0-1 Paul Feeney abstaining.

Renewal of Commercial Parking Licenses – Received from Town Manager a list of applicants for Commercial Parking License Renewals. Andy explained that some are new and there are some changes but all have been signed off by the Building Inspector. Metropac Industries has a 20-day appeal pending through Planning but this would be held in the office to make sure there is no appeal.

Motion by Lynda Walsh to approve the renewal of the commercial parking licenses as they appear on the list received from the Town Manager. Seconded by Paul Mortenson. **Vote: 5-0-0**

Special Permit Hearing – Received notice from Marc Resnick, Town Planner, notice of a Public Hearing for a Special Permit for 10 Annette Rd. to be held at 8:30 p.m. on July 9, 2009. Plans were available for review.

Invoice – Received from Collins, Loughran & Peloquin, P.C. an invoice for services rendered during the month of June, 2009.

Motion by Lynda Walsh to approve payment of the Invoice in the amount of \$360.00 from Collins, Loughran & Peloquin, P.C. as submitted and dated June 30, 2009. Seconded by Paul Mortenson. **Vote: 5-0-0**

Invoice – Received from Deutsch/Williams an invoice for legal services rendered through June 25, 2009 in the amount of \$10,980.96. A brief discussion was held.

Motion by Lynda Walsh to approve payment of the invoice in the amount of \$10,980.00 from Deutsch/Williams as submitted. Seconded by Paul Mortenson.

Vote: 5-0-0

OLD/NEW BUSINESS

Lynda Walsh following up on last week's heated discussion regarding the actions taken by Paul Feeney and Paul Mortenson to attend a meeting where a group of employees were going to be talking about joining a union, Lynda read a prepared statement.

Lynda's statement to follow at the end of the minutes of the meeting.

Larry Harrington also read a prepared statement. Larry's statement to follow at the end of the minutes of the meeting

Lorraine Brue said that in stepping back and weighing how the Board conducts business outside of the heated discussion, she does not believe that attending that meeting represents a compromise on Paul's ability to lead. She suggested that the BOS apologize to the people and there should be clarification that this Board has been effective and can continue to be effective.

A few other comments were made. Paul Mortenson's thoughts on this matter is that it all comes from being asked to respond to a Blog. Paul Feeney said he wanted to make his viewpoints known. He said Town Counsel would attend a meeting in the near future on this issue. He felt a lot was accomplished later in the meeting. He said the only way to put a stop to such statements is to say that it will not be tolerated.

Motion by Paul Mortenson to go into Executive Session to discuss potential litigation and to exit from Executive Session for the sole purpose of adjournment. Seconded by Lynda Walsh.

Vote: 4-0-0

Lynda Walsh, Vice Chairperson	Yes
Paul Mortenson, Clerk	Yes
Lorraine Brue	Yes
Larry Harrington	Yes

Paul Feeney recused from this Executive Session.
Motion to adjourn by Lynda Walsh. Seconded by Paul Mortenson.

Vote: 4-0-0 Meeting adjourned at 9:45 PM.

Paul Mortenson, Clerk

At the end of last weeks meeting I stated that it was getting too heated in the room for a continued discussion on whether or not Chairman Feeney should continue to be the point selectman to discuss security issues with the Kraft Group. I specifically declined to second Selectman Harrington's motion to replace Mr. Feeney in negotiations with the Kraft Group because it came before us directly after a heated debate and further discussion would have only added more heat. Perhaps the larger question is whether the Kraft group has lost any confidence and or will question Chairman Feeney's loyalties; this can only be answered by the Kraft Group.

Mrs. Coppola is correct that we must always be cautious when attending public functions. Perception is everything and it's the law. I quote from the general laws which apply to elected and appointed officials as well as public employees.

The law requires elected officials to avoid wrongdoing as well as the appearance of wrongdoing that would result by engaging in behavior that would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that the individual is likely to act or fail to act as a result of kinship, rank, position or undue influence of any party or person.

I'd like to suggest that, just as we invited a representative from the attorney generals office to come speak to us last year, it may be beneficial for them to come again and again invite all the members of town boards to attend.

Paul I appreciate your passion for unions and you've been very clear on how you stand in reference to unions. While listening to your speech during the discussion it occurred to me that directly after our open session we were to convene in discussions with one of the towns unions. This got me to thinking, perhaps Larry was just hitting the tip of the iceberg. You are very well versed in union negotiations and it has been very apparent during meetings with town unions that you become an advocate for them and their needs or concerns. I don't fault you for this, as its part of your heritage and your heart. I give praise for anyone who has the ability to articulate as well as you, unfortunately, I do not have the advantage of being well versed in a political way.

Our mission is to be the guiding force on what is best for the town and I'm concerned that because of your "kinship" and experience with unions that your commitment to the union brotherhood could at times invite questions from this board as well as the Foxboro residents about that kinship.

I certainly do not want to open the door to a continuance of the heated discussion that happened last Tuesday. But after some thought I believe that you may have made a mistake. It does appear that you may have acted as a result of kinship and undue influence based on your relationship with unions.

In my opinion, the chairman's actions of attending this meeting and inviting selectman Mortenson to attend, may have changed folks perception of him and his responsibility to the town as a whole. Paul, you mentioned your support of any group that wants to become unionized and that's fine. However, when you brought your title of Board of Selectman into your opening statement you could have intimidated some attending that meeting. You may have also sent a clear signal to employees of a private company doing business with the town, that they had your support as a town official in their efforts to unionize. Unfortunately, I believe you have compromised your position and given reasonable people cause to doubt that you are likely to act or fail to act as a result of your unwavering commitment to Unions. We are here to act upon the best interests of the Town of Foxboro as we have come to understand them, and on that basis I am compelled to support the motion of Selectman Harrington in changing our designation of a member to negotiate with the Kraft group on security matters.

Statement read by Selectman Lynda Walsh at the June 30, 2009 meeting of the Board of Selectmen

June 30, 2009

Mr. Feeney, you accused me last week of being disrespectful, raising my voice, moving around in my chair, and getting emotional. It is clear on the tape that you yelled at me a number of times, stated you wouldn't stand for it, and that we should demand respect from each other. It is also very clear that it was you who became emotional. Who needed to know about you and your wife's medical problems? Those issues were not germane to anything and should not have been discussed at the meeting and just one example of how emotional you got.

I believe it was very respectful behavior to ask my questions in public, although it is clear from watching the tape you didn't like that idea. I thought getting the facts directly from you and Mr. Mortensen, rather than relying on the newspaper, blogs or rumors was the respectful way to act. What I received in return was a clear attempt to dodge the answers, pontificate on totally unrelated matters, change the topic, put words in my mouth, and much more. Watch the replay and tell me if you were respectful to me when

- After I asked my 3 simple questions, I was repeatedly asked to repeat them, rather than you two just answering them? Who was listening to who talk?
- You accused me of having a hidden agenda and stated several times that we should not let facts get in the way of good rhetoric, certainly sarcastic at best.
- Was it respectful to call me cute? I don't think you were referring to my looks.
- Was it respectful to twist what I said or to put words in my mouth that I didn't say?
- Was it respectful to ask me one question three times in a row, even after receiving the same answer each time? Who tried to intimidate whom?
- Was it respectful to threaten me for speaking up in public?

You seemed very upset that I brought this matter up in public, yet you did the same thing on the private email I sent to the TM. I copied no one, asking him, among other things, if he thought what you did was appropriate based on his 29 years of experience. You waited until the public session to discuss that email. Are you allowed a different standard of behavior?

The dialogue could have ended in 5 minutes, rather than the 30 minutes it took, had you two answered the questions directly and then polled the Board if they thought you made an error in judgment. The pontificating by you and Mr. Mortensen as well as the sarcastic comments took up most of the 30 minutes and is what caused the emotions to rise among the three of us.

As I said to many people since last week, we all acted with professionalism in the two executive sessions after the last meeting, putting this issue aside for Town business. But, one last point, in reviewing the tape, in the middle of one of your several speeches last week, you said you would support workers regardless of their employer. Did you forget that you as a Board member are an employer in the Foxborough with a fiduciary duty to balance the needs of our employees with the interests of our taxpayers?

Larry Harrington