

SELECTMEN'S MEETINGMINUTES
December 7, 2009

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

Others present: Andy Gala, Town Manager
Sue Thibedeau, Animal Control Officer
Marc Resnick, Town Planner
Edward T. O'Leary, Chief of Police

The meeting was brought to order at 7:30 p.m. by Paul Feeney, Chairman.

7:30 – Citizens Input – Chief O'Leary said he wanted to appraise the Board of three different matters. He distributed copies of a guide used by officers on community policing. This is an informational guide helpful to government leaders to promote policies that would help prevent public safety problems.

He said his Department has been able to apply for a grant for dispatchers amounting to \$39,400 . Deputy Chandler applied for a grant that could provide \$12,000 in funding for training as well as a \$12,000 traffic grant for highway safety issues in the community.

The Chief noted that there has been a wave of news stories about serving violations at Waxy O'Connor's. ABCC has notified the Town of eight instances of people arrested for operating under the influence naming Waxy's as last place served. Chief felt important to bring this to the attention of the Board. In the past when there have been multiple instances, the Board has brought the license holder in to see what changes are going to be made to reduce instances of impaired people leaving the facility.

Andy Gala said he would make arrangements to have the owner and the Manager come before the Board at the next meeting. Chief O'Leary said it is difficult to take any action regarding violations because in these cases there is no direct evidence. As he is going on hearsay, he would be reluctant to say he would be taking any action. He felt it important to at least bring the owner before the BOS to see what actions are being taken to reduce these incidents in the future.

Lorraine Brue asked if any sort of pattern has developed in these instances. In the past, the Board has asked the people to come in to explain just

what is going on. Paul Mortenson asked if a police detail would be appropriate action. Chief O'Leary pointed out that there has to be over 400 people before he could require that a police detail be assigned. Andy Gala said he would schedule time at the meeting on December 22 for an informal discussion regarding these instances.

Chief O'Leary also brought up the fact that one license holder, Foxfield Beer & Wine, is no longer operating; the facility has been closed since sometime in October. The Chief wanted only to bring this to the attention of the Board.

7:35 – Order of Restraint – Sue Thibedeau, Animal Control Officer, came before the Board to ask that the interim restraining order issued to Ms. Wang-Coombs, 23 Dassance Dr., Foxborough, be made permanent. Sue distributed a tally of the number of times she responded to complaints about the two German Shepherd dogs owned by Ms. Coombs dating from September 08, 2008. On 10/20/09 two kittens were found dead in the Coombs yard, Sue reported that it was presumed that the dogs killed the kittens. A general discussion ensued regarding steps taken or not taken by Ms. Coombs to restrain her dogs, the danger to pets belonging to neighbors, what other steps can be taken towards compliance with Dog Control Regulations short of banishment and asking Ms. Coombs to come for a hearing before the Board.

Motion by Paul Mortenson to change the Interim Order of Restraint to a Permanent Order of Restraint by means of invisible fence, physical fence or by leash no longer than 6 feet in length and controlled by a competent adult over the age of eighteen. Seconded by Lynda Walsh. **Vote: 5-0-0**

7:50 – Addition of Lots D1 & D5 to the State Affordable Housing Inventory List – Marc Resnick, Town Planner, explained there are two affordable homes to be built on the site of single family homes on the D parcel of the master plan for the State Hospital property. The BOS has to approve and sign the application – The Local Action Units Application. He said these two homes would be part of the fifteen homes planned for this lot.

Andy Gala asked if there is a time line for submission of this application. He explained that he would ask at this time that the Board not take action of this due to the problems the Town is having with this builder. Marc Resnick said the Planning Board had been pushing this builder to get moving on this as part of the overall plan commitment to move this forward. A brief discussion was held regarding a time line and whether delay would in any way jeopardize the future of the project.

Motion by Paul Mortenson to table this item until the next scheduled BOS meeting of December 22, 2009. Seconded by Lynda Walsh. **Vote: 5-0-0**

8:00 – STM Warrant - A brief discussion was held relative to Article 5 – Meals Tax. Andy Gala pointed out that the Advisory Committee did not approve this Article. He recommended that the BOS should make the motion for “No Action”.

ACTION:

Minutes – The Minutes for the Board of Selectmen’s Meeting of November 24, 2009 were reviewed.

Motion by Paul Mortenson to approve the Minutes of November 24, 2009 as submitted. Seconded by Lynda Walsh.

Vote: 3-0-2 (Paul Feeney & Larry Harrington abstaining.)

Donation – Animal Control Gift Fund – Received from Sue Thibedeau, Animal Control Officer, notice of receipt of a donation in the amount of \$120.00 from Greg Krysko to be placed in the gift fund.

Motion by Paul Mortenson to accept the donation in the amount of \$120.00 from Greg Krysko to be deposited in the Animal Control Gift Fund. Seconded by Lynda Walsh. **Vote: 5-0-0**

Donation – Michael Haney – Received from Michael Haney, 4 Lieutenant Anderson Drive, a check in the amount of \$200.00 to reserve a bench on the Common in memory of deceased relatives. A brief discussion was held.

Motion by Larry Harrington to accept the gift to the Common Bench Fund in the amount of \$200.00 from Michael W. Haney. Seconded by Lorraine Brue. **Vote: 5-0-0**

Request for Extended Opening Hours – Received from Anastasia Tsoumbanos, Lake View Pavilion a request for 2010 Liquor License extended opening hours on Saturday & Sunday from 12:00 noon to 11:00 a.m.

Motion by Lynda Walsh to approve the extended opening hours from 12:00 noon to 11:00 a.m. for Lake View Pavilion 2010 Liquor License as requested. Seconded by Paul Mortenson. **Vote: 5-0-0**

Hackie License Application – Received from David Gangemi a Hackie License Application to drive for East Coast Limo.

Motion by Lynda Walsh to approve the Hackie License Application as submitted by David Gangemi, 7 woodland Rd., Norton, for a two year period. Seconded by Paul Mortenson. **Vote: 5-0-0**

Alcohol Beverages Control Commission – Andy Gala submitted a list of the 2010 Alcohol License Renewal Affidavits to be submitted to the ABCC.

Renewal Appointment – Received a Renewal Appointment to the Canoe River Aquifer Advisory Committee for Robert W. Boette, 22 Carmine Avenue, term expiring July 1, 2012.

Motion by Paul Mortenson to approve the Renewal Appointment to the Canoe River Aquifer Committee for Robert W. Boette with a term ending July 1, 2012. Seconded by Larry Harrington. **Vote: 5-0-0**

Pop Warner – “Fill the Helmet Drive” - Received a request for permission to conduct a “Fill the Helmet Drive” as a fund raiser for Pop Warner football. This is scheduled for December 13, 2009 from 9:00 a.m. to 1:00 p.m. at the Town Common.

A brief discussion ensued. It was pointed out that Sunday, Dec. 13th is a home game day for the Patriots. Lynda Walsh expressed concern about the safety of anyone doing collections around the Common on a game day. She also pointed out that the Board previously has allowed only three collections to be conducted around the Common area – Founders Day, Muscular Dystrophy and the Tootsie Roll Drive. She said this would be a “heads up” for other groups who come before the Board seeking permission to hold fund raisers in the Common area. Paul Feeney noted that adults would have to be the ones collecting donations because of safety concerns for the children.

Motion by Paul Feeney to approve the “Fill the Helmet” fund raiser for Pop Warner football as requested. Seconded by Lorraine Brue.

An amendment to the motion was made to include “contingent upon approval by the Chief of Police”. **Vote: 5-0-0**

NEW/OLD BUSINESS

Lorraine Brue asked to discuss recent exchange of emails regarding discussions by the subcommittee to W&S in negotiations with the Kraft organization in reference to the wastewater treatment facility. In the interest of public disclosure, Lorraine read the following statement:

“On November 30th, I sent an email to Larry Harrington and Lynda Walsh regarding the discussions their subcommittee is having about the Water and Sewer agreement. The agreement is in effect as a result of the Patriot Place negotiations of 2007. In that email I provided information from the 2007 Advisory Committee meetings that I thought would be helpful as discussions on this topic move forward. The attachments I provided were a brochure presented by NPP (New Patriot Place) describing the value of the wastewater treatment facility as \$10.5 Million to the Town and information regarding the projected value of the

revenue stream related to the advertising on billboards; that being a current gross value of approximately \$480,000/year. That value is without advertising on the Town water tower which has the potential for doubling that figure.

On that same day, Larry sent me an email response with opinions about the water and sewer negotiation and the Kraft organization and I responded to those comments. I believe I was acting in a responsible manner by sharing the information and clarifying details that can help as the subcommittee considers which options are in the best interest of our Town. I forwarded the attachments and my discussion for informational purposes to Paul Feeney and Paul Mortenson; we had no further discussion.

In order to avoid the appearance of any potential problem or concern regarding open meeting law, I felt it important to make our exchange available to the public. I provided the emails and the attachments to the Town Manager last week and they are in the information packet of our meeting. All committee members and the public can review them and my hope is that we can discuss the information as an agenda item in the future so that we can provide input to Larry and Lynda for the Water and Sewer subcommittee.”

Paul Feeney also spoke about his response to an email from Larry Harrington. He pointed out that he had consulted with Town Counsel to determine if there had been any violation of the Open Meeting Law. The response from Counsel was that there had been no clear violation as there was no deliberation but he did advise bringing the matter up for public discussion in open meeting.

Larry Harrington asked for an update of two or three issues – traffic on Beach Street, details at the Stadium and discussions with department heads relative to budget deficit and possible further budget cuts.

Andy Gala reported that he could not find any indication that there would be no busses allowed on Beach Street. He had met with Chief O’Leary and Mr. Briggs and an agreement has been reached in regard to night games. Work is still in progress regarding details for the day games. Regarding meeting with department heads, Andy Gala said he had met with Chief O’Leary and contract negotiations are soon to begin. Larry Harrington expressed his thoughts that talking collectively there could be thoughts and ideas from all departments on how to address the serious economic issues facing the Town.

A further discussion was held on whether there was any objection to having such a meeting, duplication of efforts made by Andy and Randy and including Dr. Martes in such discussions.

Motion to adjourn by Paul Mortenson. Seconded by Larry Harrington.

Vote: 5-0-0

Paul Mortenson, Clerk