

SELECTMEN'S MEETING MINUTES
June 09, 2009

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

Others Present: Andy Gala, Town Manager
Planning Board Members
John Rhoads, 23 Forest Road
Bob Swanson, Highway Superintendent
Attorney Peter Epstein
Lynn Foell, Cable Advisory Committee
Police Chief O'Leary
Police Officers M. Grace, R. Noonan, J. Chamberlin
S. Buckley, S. Austin and D. Foscaldo

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

7:00 – Citizens Input – Fred Grossmith, 250 Cocasset St. came before the Board to discuss his problems obtaining a Farm Plan. He gave a brief history about the steps he had taken to get a Farm Plan; he distributed copies of letters from Conservation, the Department of Environmental Protection and NRCS. He said information has been circulated that is not true. He is of the opinion that the DEP has no issue with what he has done. He was told he could clean debris out of the river, now he is being told he cannot do that.

A brief discussion was held. Paul Feeney pointed out that this is under the purview of Conservation. Lynda Walsh said she would like to have more time to look into this matter. Larry Harrington said he would like to arrange a meeting with Conservation to discuss this issue as well as others to better understand the goals and strategies of the Conservation Commission. Fred Grossmith left materials for the Board's review.

Lois Pavlakis, 36 Cannon Forge Drive, came before the Board to discuss an issue similar to Mr. Grossmith but from another point of view. Her backyard abuts Mr. Roma's working farm. She said up until now she has not had much of an issue with this; but Mr. Roma now has a pig. The pig went into a neighbor's garage and when the neighbor tried to chase the pig away, it ran at her in a menacing way. Ms. Pavlakis said the pig was "poking her in the backside". The police were told about this. She said Mr. Roma has received a warning but she thinks that does not do any good. She just does not want chickens, goats and pigs roaming into her yard. She understands that Mr. Roma has a license for these animals but

should they be allowed to roam from the farm property. Andy Gala said she should take this up with the Board of Health as well as being brought to the attention of the Animal Control Officer.

Andres Navedo-Rivera, 94 Spruce Street, read a prepared statement asking that the Board maintain the contents of the minutes. He asked that the minutes not be minimized but to keep them as they are currently written for the benefit of the public.

Hector Ballon, 153 North Street, had a question about the Code of Ethics for the Town of Foxborough. He wondered whether that is still outstanding. Paul Feeney said Lorraine Brue is taking the lead on that issue and it is a work in process.

7:05 – Planning Board Appointment – John Rhoads and members of the Planning Board were present to conduct an interview for an appointment as Associate Member of the Planning Board. Members of the Planning Board present were Kevin Weinfeld, Chairman, Bill Greider, Gordon Greene, Ernie Cataloni and Scott Barbato. John Rhoads gave a brief history of his experience in the engineering field. He is presently employed by Norwood Engineering Company. He does not do much work in Foxborough and should the occasion arise he would recuse himself from participation if there were any indication of conflict of interest. He feels it is time to give something back to the community.

Paul Feeney asked Planning Board members to explain what they are looking for in a candidate. Kevin Weinfeld said he had in the past asked John to come to the Planning Board because he felt it would be helpful to have someone with an engineering background on the Board. He said he would welcome anybody who could bring a professional aspect and be objective about the issues that come before the Board. Both Ernie Cataloni and Scott Barbato had positive comments regarding the qualifications of John Rhoads. Bill Greider pointed out the importance of having an alternate board member with an engineering background. It would be an advantage for the Board and the community.

Motion by Paul Mortenson to appoint John Rhoads as an Alternate Member of the Planning board. Seconded by Lynda Walsh. **Vote: 5-0-0**

7:30 – Highway Superintendent Chapter 90 Report - Bob Swanson provided the Board with his evaluation of the Town road improvements and the available Chapter 90 funding. He also provided cost estimates for each project. He said the past winter has been the worst he has seen and resulted in more damage than he could have predicted. He said Baker Street needs reconstruction to Glenwood and there are several drainage issues that have to be addressed in that area. That work would include installing two catch basins and sump drains to residences where needed. He said this area really suffers from high ground water. The area of 106 from Wilkeson Way to the Plainville Town line that was postponed while the

Witch Pond treatment plant was constructed will have to be repaved with a cape cod berm as needed. Morse Street will be reconstructed to the driveway of the Burrell School. Bob explained the very poor condition of sections of Edwards Road. He said work is all ready being done there with funds from the FY-08 highway funds. He said the final top pavement would be left until next year to allow the area to settle over the upcoming winter season. There is more work to be done in this area and he suggests doing this on a phased in basis. Bob suggested that as the work progresses the road be narrowed; this would require a vote from the BOS. Some reconstruction is required on Young Road and Winter Street this would consist of reclaiming the pavement and installing a cape cod berm as needed.

Bob also explained in fair detail the need for sump pump drains in areas where the ground water level is high. The residents pump ground water from their cellars to the streets and this causes significant icing and safety concerns. He said storm drains need to be installed and sump pump connections installed to the property lines. In particular icing problems exist on Union and Rock Hill Streets. Funding for this work could come from the Highway Dept. budget. Bob briefly outlined the work on the Carpenter Pond Dam as well as new decorative street lights on Central Street.

A general discussion ensued. Questions from the Board included an inquiry as to whether a resident could be fined for pumping into town streets and whether the resident would connect to the sump pump drains provided by the town. Andy Gala pointed out that the icing creates a safety issue for the town. Lynda Walsh inquired whether or not a letter of notification would be sent to residents when paving or street work is planned. Bob Swanson said he would try his best to notify home owners; sometimes there is a problem because the property is a rental unit. Larry Harrington suggested a team to work with Bob Swanson to identify problems and how the town might deal with these issues. He said as things are the Highway Dept. is never going to keep up with road conditions. He would like to see a twenty year plan, work on it on an annual basis to maintain road conditions. In this way the Town could determine how much funding would be needed on an annual basis. He would like to see something viable and acceptable to the community.

Motion by Lynda Walsh to approve the Proposed Projects for Chapter 90 Roadway Improvements, Sump Pump Drains, Carpenter Pond Dam Repairs & Decommissioning and Antique Decorative Street Lights on Central Street, as submitted by Bob Swanson, dated June 4, 2009. Seconded by Paul Mortenson.

Vote: 5-0-0

8:00 – Administrative Proceeding with Comcast – Attorney Peter Epstein and Lynn Foell came before the BOS to discuss the administrative proceeding with Comcast regarding License renewal. Paul Feeney recused himself from this discussion. Lynn Foell gave a brief review of events leading to this date. Attorney Epstein distributed a chart showing the Cable Television Renewal Process.

Comcast has received the Preliminary Denial. Attorney Epstein said if the procedure goes toward litigation, there may be questions or issues where it would be more appropriate to go into executive session. He said Comcast wanted to reduce the revenue to the Town and they wanted Cable Access to move out of the studio by Dec. 2008. He said there have been numerous meetings during the past year and he thinks they are pretty close to an agreement. Comcast has agreed not to reduce the revenue to the Town, have agreed to keep the service center in Foxborough or a congruent community. Comcast is fairly adamant in regard to legal matters; they really want to pursue a litigation process. Peter Epstein said they are very close to what is needed; it is going to cost approximately \$1M. It is necessary to have a commitment of a revenue stream before the banks will approve. If that cannot be accomplished in the time frame they would have to start all over. He said a meeting is scheduled for June 17th. The intention is to go back to Comcast with another counter proposal as he really does not want to get to the point of Administrative Process. Lynn Foell said the committee would continue to try to resolve the issues and not be forced into a more formal process.

A lengthy general discussion ensued regarding the Foxborough Cable Access move, the value to Comcast of the space occupied by FCA, the number of subscribers in Foxborough and the possibility of another provider coming into Foxborough – either Verizon or some other. Peter Epstein said he fully expects Verizon to come into town. He feels the committee has negotiated in good faith. All the programming produced by FCA will be available to any vendor; there would be a level playing field for all. Attorney Epstein said the town must respond to refute inaccuracies in the agreement and still hope to reach agreement. He said he would draft a response in the next few days but would not put a time frame on that. The objective is to get a fair deal, to let FCA do well at the least amount of cost to the subscribers and not get involved with litigation.

ACTION:

Minutes: The Minutes for the Board of Selectmen's Meeting of May 26, 2009 were reviewed.

Motion by Lynda Walsh to approve the Minutes of the Meeting of May 26, 2009 as submitted. Seconded by Lorraine Brue. **Vote: 5-0-0**

Invoice – Received from Attorney Peter Epstein an invoice in the amount of \$1,200.00 for services rendered May 8th through May 19, 2009.

Motion by Paul Mortenson to approve the invoice in the amount of \$1,200.00 from Attorney Peter Epstein as submitted. Seconded by Lynda Walsh.
Vote: 5-0-0

Resignation – Received from Catherine Hickey notice of her resignation as a member of the Foxborough Committee for Disabled Citizens, effective immediately.

Motion by Larry Harrington to accept the resignation of Catherine Hickey from the Foxborough Committee for Disabled Citizens as submitted. Seconded by Lynda Walsh. **Vote: 5-0-0**

Appointments to Foxborough Committee for Disabled Citizens – Received from Susan Collins on behalf of the Foxborough Committee for Disabled Citizens a request to appoint two new members – Cynthia Curran and Charles Gallagher. A brief discussion was held.

Motion by Lynda Walsh to approve the appointment of Cynthia Curran and Charles Gallagher as new members to the Foxborough Committee for Disabled Citizens as requested. Seconded by Lorraine Brue. **Vote: 5-0-0**

“Slow Children” Signage – Received from Deborah DiPrete, 6 Hayden Drive, a request that a “Slow Children” sign be posted at the corner coming from Hill Street just after 7 Hayden Drive. A brief discussion was held. This action was recommended by Police Chief O’Leary.

Motion by Lynda Walsh to approve the request from Deborah DiPrete as submitted in her Email that a “Slow Children” sign be posted at the corner from Hill Street just after 7 Hayden Drive. Seconded by Lorraine Brue. **Vote: 5-0-0**

Request for early opening on Sundays – Received from GMRI, Inc., d.b.a. Olive Garden Italian Restaurant at 392 Patriot Place, South, a request for approval for serving alcoholic beverages starting at 11:00 a.m. on Sundays during Patriot Home Game Days. A brief discussion was held.

Motion by Paul Mortenson to approve Sunday hours starting at 11:00 a.m. on Patriot home game days as requested in the letter dated March 10, 2009. Seconded by Lorraine Brue. **Vote: 5-0-0**

Norfolk County Selectmen’s Association – Received notice from the Norfolk County Selectmen’s Association of the cancellation of the Spring Meeting scheduled for June 10, 2009. No action necessary.

Mass Municipal Association – Received notice of the MMA’s New Selectmen Training Seminar to be held June 13, 2009. This was information for the new members of the Board. No action necessary.

Public Event Application – Received from Lisa Nickerson an application for a Public Event for the Grand Opening of Shops @ Chestnut Green scheduled for June 20, 2009.

Motion by Paul Mortenson to approve the application from Lisa Nickerson for the Grand Opening of Shops @ Chestnut Green as submitted. Seconded by Lynda Walsh. **Vote: 5-0-0**

Marc Resnick, Town Planner – Received notice of two Public Hearings scheduled for Thursday, June 18, 2009 – Temporary Parking Lots at 16, Washington St., Lot #16 and 94 Washington St., Lot #94. Also Public Hearing for Site Plan for “Foxborough Professional Center” at 25 Foxborough Boulevard. Plans were available for review.

OLD/NEW BUSINESS

Larry Harrington pointed out that the Town Manager should be given a one-year written notice of evaluation by the Board and at the next meeting have a discussion about setting goals and objectives annually for the Town Manager and the Finance Director. He said it is important to get on track with these evaluations and to provide feedback on performance.

Lorraine Brue distributed a priority list of topics for discussion and action by the Board as suggested by Larry Harrington. Lorraine explained that she had reviewed the suggestions and categorized and prioritized them for review and comments by Board members. She added a few of her own and asked for input from all members. She feels this would help reaching solution to issues that are facing the Board.

A decision was made to have a special meeting of the Board on June 20th to discuss these matters and how to best address the issues within the regular Board meetings. Larry Harrington also said he thinks it would be appropriate at the next meeting to be updated on where the Town is going in regard to free cash particularly since the State budget is not yet finalized.

Other topics discussed included the 25% increase in the sales tax and how that impacts the tax payers. Paul Feeney said he would draft a resolution for the next meeting on this issue. A report on an incident with a dirt bike in the State forest where someone was nearly run down. This kind of thing is unacceptable and thought should be given to how this can be avoided in the future. A letter from Mr. Heydecker regarding record keeping of the construction at the High School. Andy Gala said he had forwarded that letter to the Chairman of the Building Committee.

Motion by Lynda Walsh to go into Executive Session to discuss Deployment of Security Personnel at Gillette Stadium and review and approval of Executive Session Minutes and to exit from Executive Session for the sole purpose of adjournment. Seconded by Paul Feeney.

Vote: 5-0-0	Paul Feeney, Chairman	Yes	
	Lynda Walsh, Vice chairman	Yes	
	Paul Mortenson, Clerk	Yes	
	Lorraine Brue		Yes
	Larry Harrington	Yes	

Meeting adjourned at 11:30 p.m.

Paul Mortenson, Clerk