SELECTMEN'S MEETING MINUTES
March 23, 2010

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

Others present: Andy Gala, Town Manager
Randy Scollins, Finance Director
Bob Swanson, Highway Superintendent
J. Stevenson, NPS LLC,
George Bell, Chairman, Stadium Advisory
Leo Potter, W&S Superintendent
Phil Henderson, Chairman W&S Commissioners

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

The Boy Scouts of Troop 7 lead in the Pledge of Allegiance to open the meeting..

7:00 – Citizen Input – Bob Hickey, Scout Master, introduced the Scouts who are working on the Citizenship Badge. Scout Conor Lally explained attending this meeting gives a greater understanding of town government and how they could participate. He also spoke about the project the troop is working on – a flag pole dedicated to the memory of Carl Kusch. The Historical Commission will give the Scouts guidance on this project. Gillette Stadium is going to donate the flag pole. The Scouts will come back before the BOS when they have more details.

Randy Scollins announced that Foxborough had received from Common Cause Massachusetts, the e-Government Award with Distinction for its website. This award is given to municipalities who post their governing body's minutes, an agenda, the budget and by-laws. Foxborough received the Award with Distinction because a year's archive of minutes, agendas from other Town boards and committees were also posted. Randy noted that this is the first year Foxborough was eligible to be considered for this award because of the new website. Bob Cutler accepted the award on behalf of the Town. Randy thanked all who participated in keeping the information up to date on the website. A general discussion followed regarding the website and the many ways it can be a great source of information on issues before the Town.

Dick Heydecker, 63 Grove Street, came before the BOS to express his concerns on how the budget is being presented to the citizens. He feels not

enough detail is given regarding funding sources for some items; it is not clear to him where money is coming from for the W&S projects that are on the warrant. He said it's a matter of clarity as to the source of funding. Randy Scollins explained the complicated mechanics of preparing the budget and where Mr. Heydecker could find the answers to his questions on the budget. Randy said he would be open to meeting with Dick to try to clear up the confusion. Dick Heydecker touched on the several large ticket items to come before the voters at Town Meeting, the Library renovation and expansion, a new treatment plant for W&S and the unfunded liability trust fund. Dick also referred to the difficulty people, particularly senior citizens and the unemployed, have to try to meet their everyday obligations. He asked the Board to take a stand on the budget either a level service budget or a level funded budget. If the Board makes a public statement on the budget to be presented to the Town, he feels it would give some guidance to the voters.

7:05 – The Compost Site – Commercial Users and Fees – Bob Swanson, Highway Superintendent, came before the Board to discuss operations of the compost site. Andy Gala said some decisions have to be made relative to the operation of the compost – to keep the site open the same number of days, allow landscapers to dump there, increase the fees or turn it over to an outside party. He would be opposed to a commercial operation because of the odors that would come from the site and increased traffic in that area. Bob Swanson spoke on several concerns related to the operation of the compost site – landscapers dumping waste that comes from other communities, the increase in branches and rocks being dumped with grass and leaves and the fact that it is getting more difficult to find contractors to take products for free. He noted that only 81% of residents use the trash collection service and in the beginning the cost of the operation of the compost site was covered by the collection fee but landscapers bring more leaves and grass, etc. than residents. They bring waste from commercial customers and condominiums who do not use the town's trash collection service and in effect 81% of the residents are subsidizing the landscapers who utilize the compost site. The $700 annual fee for landscapers does not cover the cost of operation. Bob said that his greatest concern is not the operation of the compost site but that the staff time spent at the compost site would be better spent on the upkeep of ball fields, parks and roads.

A general discussion ensued with suggestions for charging higher fees, charging by size of truck rather than one basic fee, instituting a sticker plan similar to the one used for trash collection and changing the hours of operation. Bob Swanson explained that he has no way of checking how much material is being dumped or where it is coming from. He feels that serious consideration should be given to not allowing landscapers to use the site. It was suggested that a fixed fee could be charged and in addition a fee for the number of times the landscaper uses the site. Bob pointed out in that scenario a staff person would have to be on site. He would not recommend getting into collecting

money at the site. Larry Harrington asked if any notice had been given to the landscapers that changes are going to be made. The Board asked that this be put on the agenda for the next meeting.

7:35 – Public Hearing – N.E. Revolution – Paul Mortenson read the Public Hearing Notice. The purpose of this Public Hearing was to review the application submitted by NPS LLC for the New England Revolution games.

A brief discussion was held. This is a standard application with a potential for play off games and possibly international games as well. The attendance is expected to be approximately 15,000 the same as last year. Gate opening and parking were discussed. The Chairman noted that notices had been received from Chief O'Leary, Chief Hatfield and Stadium Advisory Committee recommending approval.

Motion by Lynda Walsh to close the Public Hearing. Seconded by Paul Mortenson. **Vote: 5-0-0**

Motion by Lynda Walsh to approve the application submitted by NPS LLC for the New England Revolution games as submitted. Seconded by Paul Mortenson.
Vote: 5-0-0

Public Hearing – College Football Games – Paul Mortenson read the Public Hearing Notice. The purpose of this Public Hearing was to review the application submitted by NPS LLC for the 2010/2011 University of Massachusetts vs. University of New Hampshire football games at Gillette Stadium.

A brief discussion was held. This application is for one year only with hopes that it will become an annual affair. NPS LLC is the promoter of this event. The date requested is for October 23, 2010. Seating and underage drinking were discussed. Chief O'Leary will make sure the Foxborough alcohol laws will be included in the information sent to the Universities. George Bell, Stadium Advisory Chairman, had no issues with this event and recommended approval.

Motion by Lynda Walsh to close the Public Hearing, Seconded by Paul Mortenson. **Vote: 5-0-0**

Motion by Lynda Walsh to approve the application submitted by NPS LLC for the 2010/2011 University of Massachusetts vs. University of New Hampshire football games as submitted. Seconded by Paul Mortenson. **Vote: 5-0-0**

8:00 – CIP Budget – Andy Gala distributed copies of the FY2011 Summary of the CIP Requests and Appendix A, a listing of approved requests. Total of General Fund Requests - $14,438,720 not including W&S Enterprise Fund Requests or Mass Highway Estimated Annual Allotment totaling another $9,037,400. Bringing the total requested amount to $23,476,120. Appendix A is a list of requested items approved by the CIP Committee including W&S Enterprise and Chapter 90 Roads Program totaling $2,812,608. Andy Gala said that although the items requested are legitimate requests, tough decisions had to be made by the CIP Committee on what to approve.

A general discussion was held as each item was reviewed. Andy explained the reasons why these particular items were chosen. Paul Mortenson noted that at the CIP meeting the voting on most items was fairly close. He said he had promised not to vote for any vehicle that is not "green". The use of revolving funds and enterprise funds were briefly discussed. Larry Harrington inquired about the use of ambulance fees for non ambulance related items. Randy Scollins explained that it is appropriate to use those fees for fire apparatus. He pointed out that those funds are carefully monitored to make sure there is adequate funding for a new ambulance when the need arises. About $400,000 is put into the Ambulance Receipts account to cover expenses and have enough to keep up with the ambulance replacement schedule. Chairman Feeney commended Leo Potter and Phil Henderson on the work they have done for the Water Articles including the Water Treatment Plant on Oak Street. He has struggled with the issue of a level services vs. level funding budget and then to go forward with $2M for capital improvement items. Andy Gala pointed out the CIP budget includes replacement items that the Town needs to address.

Motion by Lynda Walsh to approve the CIP budget for 2011 as presented. Seconded by Larry Harrington. **Vote: 5-0-0**

8:30 – Goals & Objectives – Lorraine Brue gave a brief background on the purpose of creating a list of goals and objectives. From the list of 35 more than half have been addressed. Comments and suggestions as to the status of each item were made as Lorraine read the list.

8:45 – Article 17 – Amend Sewer Act – Phil Henderson and Leo Potter came before the Board to discuss the Home Rule Petition. Phil Henderson said it is important to get the Inter basin waiver in order to establish a sewer district. The Town needs to identify areas in town that need or want to have a sewer district and there needs to be flexibility for getting in or out of the district. The CWMP would be used as a basic district. Phil noted that there has been some discussion relating to "mandatory and compulsory" language. All powers of the W&S Commission would be through the public process with a Town Meeting vote and the general laws of the Commonwealth. Larry Harrington stressed the fact that it is important to get the information out to the public as to what Home

Rule will do or will not do. Phil Henderson then listed all the public meetings that would be held to inform the voters before Town Meeting. Frank Mortimer, newspaper reporter, recommended using the press to get anything in the way of explanation out to the voters.

ACTION:

Minutes – The Minutes from the Board of Selectmen's Meeting of March 09, 2010 were reviewed.

Motion by Paul Mortenson to approve the Minutes for the Meeting of March 09, 2010 as submitted. Seconded by Lynda Walsh. **Vote: 5-0-0**

Legal Invoices – Received from Collins, Loughran & Peloquin, P.C. an invoice in the amount of $3,145.00 for professional services rendered February 1, 2010 through March 7, 2010.

Motion by Lynda Walsh to approve the invoice in the amount of $3,145.00 from Collins, Loughran & Peloquin, P.C.for services rendered February 1, 2010 through March 7, 2010. Seconded by Paul Mortenson. **Vote: 5-0-0**

Received from Deutsch/Williams an invoice in the amount of $1,674.94 for services rendered through February 28, 2010. Andy gave a brief explanation of charges on this invoice.

Motion by Paul Mortenson to approve the invoice from Deutsch/Williams in the amount of $1,674.94 for services rendered through February 28, 2010. Seconded by Paul Mortenson. **Vote: 5-0-0**

Invitation – Received an Invitation to the VFW's 50th Anniversary celebration on March 26, 2010. Lorraine Brue will attend.

Donation – Received from Jerry Cirillo, Boyden Library Director, notice of a donation in the amount of $200.00 from the Moms Club of Foxboro.

Motion by Larry Harrington to accept with gratitude the donation of $200.00 from the Mom's Club of Foborough. Seconded by Paul Mortenson.
Vote: 5-0-0

Invitation – Received from Christopher Timson, Walpole BOS an invitation to attend a discussion to be held 4/8/10 on the possible implementation of regional service delivery.

NEW/OLD BUSINESS:

Paul Mortenson asked to have an executive session put on the agenda for next meeting to discuss legal issues. A brief discussion ensued regarding what should be discussed in executive session and what can be discussed in open session. Paul Mortenson said he would like an update on what if anything the Board could contribute in the way of support, as well as whether a budget transfer might be necessary. He feels people should not be intimidated when running for office. He said this is of paramount importance to the Town. Lorraine Brue made it clear that she has been very satisfied with the work that has been done. She wants no perception of failure on the process in this case. Paul Feeney asked Paul Mortenson to put his request in writing. Chief O'Leary said he is going to contact the District Attorney's office to make sure he would feel comfortable with such a discussion.

Andy Gala said he is preparing a list of committee appointments. The Board should have the list for the next meeting.

Motion to adjourn by Lynda Walsh. Seconded by Larry Harrington..
Vote: 5-0-0 Meeting adjourned at 9:30 p.m.

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Paul Mortenson, Clerk