

SELECTMEN'S MEETING MINUTES
September 14, 2010

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

Others Present: Sheila Warner, Neponset Reservoir Committee
Rhys Bowen, NRRC, Inc.
Kate Mullen, NRRC, Inc.
Attorney Peter J. Berry
Kevin Paicos, 21 Christopher Drive, So. Easton, MA
Anthony LaChapelle, Chairman, Search Committee

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

7:00 – Citizen's Input – Sandra Herrmann read for the Board and the citizens of Foxborough a letter written by a person who wished to remain anonymous. "...Andy has served this community well above and beyond expectations and it is certainly recognized in his official role, but also the many things that Andy has 'quietly' dealt with on our behalf. In recognition and appreciation for devoting so much time and energy to our Town, a private and anonymous donation of \$2,500 has been made to the Town of Foxborough Discretionary Fund..."

Kate Kominsky asked that the Board vote to reconsider the search process. She is concerned that references were not thoroughly explored. She asked to be assured that the Board hires the best candidate. In her opinion this was a more political process, leaving a "taint" on both individuals. She asked that the Board consider a revote.

Hector Ballon expressed his concerns about the idea of the members of the Board being asked to not write letters to newspapers regarding controversial issues. He said this would take away the only opportunity a Board member might have to talk to the public. He had several comments on the minutes from previous meetings. He pointed out that there had been instances when discussions became political rather than focusing on the real issues.

7:05 – Neponset Reservoir Committee Report – Larry Harrington recused himself from this discussion. Rhys Bowen briefly reviewed a recent report submitted on behalf of Invensys. He pointed out that the report is flawed in that it claims there is no problem with the Neponset Reservoir and that any cleaning up is technically impossible. The Committee will be submitting lengthy comments to the DEP and Rhys encouraged the Board to do the same. He pointed out that

the report admits there is cadmium and other heavy metals in the reservoir. This violates water quality criteria. Rhys said he believes the costs of cleanup have been over estimated and benefits have been under stated. The State requires the polluters to use the best technology available and get the best possible results.

A general discussion ensued. Lynda Walsh suggested the Board submit comments on behalf of the people of Foxborough saying that the report is flawed and inadequate. Lorraine Brue said she had attended a meeting during which she spoke with people from Invensis. They were very vague and did not answer questions relative to how long it would take nature to clean up the reservoir. Jim DeVellis said he would be interested to hear from the Water Dept. as well as the Board of Health on this issue. He thought there would be some merit in having comments from different departments.

Motion by Jim DeVellis to work with representatives of Neponset Reservoir Committee to put together comments on the Invensys report, sign and send directly to the DEP by the required date. Seconded by Lorraine Brue.

Motion by Jim DeVellis to amend the motion to read – to work with Andy Gala and representatives of the Committee to draft a letter that would be acceptable representing views and comments to be sent to the DEP before September 27, 2010. Seconded by Lynda Walsh.

Vote: 4-0-0 (Larry Harrington recused.)

Judy Johnson said she had been on the Advisory Commission throughout this process. She was not surprised when this report came out. Conservation Commission will be meeting on Monday and she will ask the Commission to send a letter to Invensys. Rhys said to address the letters to Invensys and the letters will be forwarded to the DEP.

7:25 – Change of Manager – Renaissance Hotel – Brian Smith was present to answer any questions from the Board relative to the application for a change of manager as submitted by Colwen Management, Inc. 28 Patriot Place, Foxborough. The application names Brian Smith as manager.

A brief discussion was held with inquiries from the Board relative to experience at other establishments particularly a suspended license when he was employed by the Marriot Hotel.

Motion by Paul Mortenson to approve the application for a Change of Manager as submitted by the Colwen Management, Inc. 28 Patriot Place, Foxborough, naming Brian Smith as Manager of Record. Seconded by Lorraine Brue. **Vote: 4-0-1** (Jim DeVellis recused himself)

Extension of Hours – A request for approval of a permanent extension of license hours to permit serving of alcoholic beverages beginning at 11:00 a.m. on Sundays. A brief discussion was held.

Motion by Paul Mortenson to approve the extension of hours to 11:00 a.m. to serve alcoholic beverages with food as requested by Colwen Management, Inc. Seconded by Lorraine Brue.

Vote: 4-0-1 (Jim DeVellis recused himself)

7:35 – Commuter Rail Parking – Randy Scollins was present to give an update on the status of the Commuter Rail Parking Lot for Foxborough residents only. He reviewed the progress as outlined on the report. Remediation of the County Street site is expected to be completed by September 30th. The final work to be done at this point includes paving, drainage, fencing, light bases, etc. This is expected to cost in the neighborhood of \$50,000. He listed the several steps that need to be taken by the Highway Department. This being the busy season for Highway, it is expected to take 60 to 90 days. Randy then explained the lottery system for the 120 spaces that will be available. The parking lot will be monitored by the Foxborough Police. The parking charge is expected to be \$3.00 per day. A Special Town Meeting would have to be held to implement the lottery and parking rates.

David Brown, 17 Merigan Way, questioned whether a person could take the GATRA bus whether the person used the parking lot. He also said his personal feeling is that the revenue from parking rates should not go into the general fund but rather a revolving fund should be established.

Motion by Larry Harrington to support the recommendation of the Finance Director to charge a fee as proposed in the outline. Seconded by Paul Mortenson.

Vote: 5-0-0

A brief discussion was held regarding the input of citizens of Foxborough when offering their expertise and experience in Town matters. Larry Harrington pointed out that Dick Heydecker has been working with a team sharing information and findings that are of value to the Town. Randy Scollins is very appreciative of the assistance Dick Heydecker has offered.

7:45 – David Brown – Concerns about the Country Music Festival – David Brown said he has concerns about the process used when issuing the license for the 7th Annual Country Music Festival. He doesn't understand why, when the license was issued in the spring, it was being discussed again and again at the August 10th meeting. He said any concerns about security should have been addressed in June not at the last minute. He pointed out that Public Safety Chiefs were comfortable with the planned management of the event. He voiced concerns that the minutes of the meetings, open or executive session, gave him no details regarding the issuing of the license.

A lengthy discussion ensued. Lorraine Brue pointed out that she had questions in regard to security that she felt should not be discussed in public – specific details related to security at the Stadium that should be protected by Executive Session. Larry Harrington pointed out that there was disagreement on the Board about what should be discussed in open session and what requires discussion in executive session. If the questions Lorraine had were about the number of officers for deployment at the Stadium, members of the Board felt it was not necessary to keep that a secret and could be discussed in public. David Brown said the citizens are denied the right to observe during executive sessions. Paul Mortenson pointed out that the Board is operating within the statute according to the guidelines for executive sessions. David Brown voiced one more piece of criticism is that any going back to revisit the awarding of the license should have been done sooner. He said he had asked to be put on the agenda because he wanted to be heard “at the table”.

8:00 – Town Manager Update - Larry Harrington asked Tony LaChapelle, Chairman of the Search Committee, to speak to concerns regarding the process. Tony explained that this process was burdened because they had to assure complete confidentiality to the candidates. They assured the candidates that names would not be revealed until the process was finalized. A background investigation would not be held until the finalists were chosen. The Committee did as much as they could while trying to protect the confidentiality of the candidates. He noted that no one was under any pressure to vote for or against a candidate and when the vote was taken it was a 6-0 enthusiastically in favor. He pointed out that it is up to the Board of Selectmen to make the final decision. Tony explained how it came to be that Kevin Paicos was a candidate for the position. Tom Groux, Consultant hired by the Search Committee, contacted Kevin Paicos and encouraged him to meet with the Search Committee.

Lorraine Brue questioned the transparency of the process. She was given to understand that the Board would be given the opportunity to review the background check on Kevin Paicos at the same time contract negotiations would be started and there was no discussion about what the contract demands would be. She later learned that the search committee would examine the background check results. Lorraine questioned how those decisions were made. She said the lack of transparency had marginalized her decision and she feels that the public should know the selection process had been tinged. Lorraine said she would “be happy to start all over again”. She pointed out that transparency should be applied to all actions of the board.

Lynda Walsh pointed out that a committee of two Board members, Jim DeVellis and Larry Harrington would work on the negotiations. Larry Harrington said that each Board member had been given a draft copy of the contract prior to this evening. Several comments were made as to how the Board could move forward with civility towards one another. Jim mentioned that Attorney Paul

DeRensis told him that he had met with Tom Groux, consultant, to talk about Kevin Paicos' experience and background. He put together a contract after checking with other town managers in the area and the contract with Andy Gala. He said they went through four drafts and felt very comfortable with this contract. It is very good for the Town of Foxborough. Larry Harrington commended Kevin's decision to have his background check information brought before the public in the open session. Larry explained that the extent of the background investigation of Kevin Paicos was far more extensive than that of most people applying for a position of similar responsibility in the business world. He does not want the public to have any doubt as to who Kevin Paicos is. Larry said he would be proud to have Kevin as Town Manager.

Attorney Peter J. Berry, Deutsch/Wiliams, Labor Department, conducted the review of the background check summarizing all fields of investigation. He said this investigation did not include actual references from former employees or colleagues about whether or not they would recommend Kevin for this position. The report followed the employment history on the resume. A general discussion was held. Questions were raised by the Board with discussion regarding motor vehicle violations of record, a dispute with a developer in Easton, educational history and confusion about the use of titles of Town Manager, Town Administrator and/or CEO.

Motion by Larry Harrington to go into Executive Session for the purpose of discussing negotiations between Kevin Paicos and the Town for the position of Town Manager and to exit Executive Session to vote to hire and to continue open session to address Action Items. Seconded by Jim DeVellis.

Vote: 5-0-0	Lynda Walsh, Chairman	Yes
	Larry Harrington, Vice Chairman	Yes
	James J. DeVellis	Yes
	Lorraine Brue	Yes
	Paul Mortenson	Yes

The open meeting resumed.

Jim DeVellis explained the status of contract negotiations with Kevin Paicos. There were a few minor changes that were agreed to by everybody. Kevin Paicos reviewed the changes and is comfortable with the contract. The Board is comfortable that the contract represents the Town's best interest and is ready to make a motion to vote to offer Kevin Paicos the position as the next Town Manager.

Motion by Lynda Walsh to offer Kevin Paicos the position of Town Manager for the Town of Foxborough. Seconded by Larry Harrington.

Vote: 4-1-0 (Lorraine Brue voted in the negative.)

Due to the late hour a motion was made by Paul Mortenson to continue the meeting to September 15, 2010, 7:00 p.m. in the Andrew Gala Meeting Room.. Seconded by Larry Harrington. **Vote: 5-0-0**

Meeting adjourned at 11:15 P.M.

James J. DeVellis, Clerk