

**SELECTMEN'S MEETING MINUTES**  
**November 08, 2011**

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

Others Present: Kevin Paicos, Town Manager  
National Grid Representatives – Kathy Lyford – Vice  
President, Bob Russell, Tom Coughlin and Ken Lomax  
Eric Arvedon, Board of Health

The meeting, held at Foxborough High School, was brought to order at 7:00 p.m. by Larry Harrington, Chairman.

**7:00 – Citizen's Input** – Diana Griffin, 24 Mechanic Street, came before the Board seeking approval of an application for an Auctioneer's License. This is to benefit the Jeff Parker fundraiser. She apologized for the late timing of this application.

Motion by Jim DeVellis to approve the application for an Auctioneer's License as presented. Seconded by Mark Sullivan. **Vote: 5-0-0**

Paul Mortenson, 9 Alger Road, made an inquiry regarding the Town's 2007 Agreement with the Kraft Organization. He asked to have an opportunity to see the Executive Session minutes relating to that Agreement and whether it would be discussed in open meeting. Kevin Paicos said there is no formal opinion at this time as it is still under consideration.

Dennis Naughton, 4 Everett Lane, spoke about the piles of brush on the side of the roads and what could be done about it. Kevin Paicos pointed out that the Highway Dept. does not have sufficient work crews to clear most of what is on the streets. The Town does not have the capability to pick up the brush from people's yards. He noted that the compost area is open seven days per week so that residents can bring their brush to that area. He said the DPW simply does not have the resources. He added that for the Town to spend that kind of money on cleanup and not receive 100% reimbursement would be a very dangerous thing to do with the taxpayers' money.

Fire Chief Hatfield said he has not had a meeting with MEMA. He said a meeting is scheduled for Thursday to review the damage, make an assessment and go over the costs as the storm impacted the Town. He encouraged

everybody in Town and surrounding Towns as well, to get MEMA to see that this area was seriously impacted.

**7:10 – Kevin Duquette Award Article** - Eric Arvedon, Board of Health, came before the Board to recognize Kevin Duquette, Sanitarian, for his outstanding work on behalf of the Town of Foxborough. He explained that Kevin has made significant contributions to the Board of Health and the Town as a whole; among those is the F.O.G. program created by Kevin. Eric Arvedon presented Kevin Duquette with the Michael Saraco Award given by the Massachusetts Health Officers Association .

**7:15 – Public Hearing – Power Outage** – Chairman Harrington explained that this public hearing is to review the impact of the “Halloween” snow storm. He said the BOS knows and appreciates the anger and frustration of the residents as well as businesses that lost sales and employees who lost pay because of the storm. He thanked the Highway, Police & Fire and countless volunteers who worked tirelessly during the storm for the safety of residents. He said he does not recall a total outage such as this; something has changed and it is not for the better. There have been hundreds of letters, emails and phone calls from residents and businesses expressing anger and frustration about how National Grid has responded or lack of response to this emergency. Jim DeVellis pointed out that the “good news” is that no one was hurt or killed as a result of the storm. He said that on Saturday night 90% of the Town was without power. On Sunday, eight emergency meetings of the BOS, Town Administrators and Public Safety were held to respond the needs of residents. Many volunteers came forward to help. He said W&S kept the Town’s wells running on generators and the Highway Dept. started clearing the streets of trees and brush so that if emergency vehicles needed to get through, the streets would be clear. Jim thanked the Boy Scouts, Girl Scouts, the volunteers, school nurses and all who helped arranging accommodations for anyone who needed help; shelters were set up and food and water was made available. He said two major power outages within a relatively short time raises serious concerns about National Grid’s ability to service their customers. Jim noted the strong leadership from Kevin Paicos, Town Manager and he is proud of what the Town had accomplished during the week.

Lorraine Brue said she had the good fortune to speak with people about their reaction to the storm, the lack of appropriate coverage of the storm by National Grid and from those conversations she got constructive suggestions to be considered as the community goes forward in future situations like this. She noted that Patriot Place had offered a place to hook up computers until power was back up. She said there are other issues of concern such as security and burglaries that need to be discussed. Lorraine mentioned that more work needs to be done regarding the wellness notification system so it can be quickly accessed in such emergencies. Lynda Walsh said it was amazing and gratifying how people came forward to help. Within hours of the power outage shelters

were put up. She said it is important for people to understand how hard it is to prioritize things under these circumstances; senior citizens and public safety are at the top. Mark Sullivan said that Foxborough really is a special town, a lot of people made a lot of sacrifices during this power outage. He thanked Kevin Paicos for getting "things going". He suggested that if people had not signed up for the Reverse 911 system, they should do so now. In addition he said people should replace batteries in fire alarms and carbon monoxide detectors. Mark commended Joe Mitchell and Willy Long for doing a fantastic job. He said he has been working with Michael Johns and Vicki Lowe and volunteers and said the High School would be the main place to get information during any future crisis where the whole Town is affected.

Chairman Harrington then opened the meeting to citizens who lined up to voice their anger and frustrations about the second total power outage in Town in two months. Mrs. Meoli, North Street, Howard Siegel, Katherine Rd., Chris Thoener, North Street and Ari Weinstein, South High Street were among the many who spoke of their frustrating experiences in trying to communicate with National Grid in times of crisis, medical needs sometimes bordering on life or death, losses of food supplies and salaries due to loss of work hours and being without electricity for five or six days. Frustrations were exacerbated when some citizens observed National Guard trucks and crews parked in a parking lot seemingly doing nothing to address the power outages. expressed no confidence in National Grid and suggested the Town "fire" them as the power supplier, the lack of response to telephone calls, the rudeness of some National Grid staff when a call finally got through and a sense that National Grid just doesn't care.

Kevin Paicos said the Town would file a formal request for a State investigation into National Grid's actions relating to the blackout experienced during Hurricane Irene. A similar request would be filed with the Dept. of Public Utilities regarding their activities during the "Halloween" storm. He pointed out that National Grid failed to restore power in a reasonable time frame, did not communicate with the Town or the residents, failed to prepare adequately for storms for which there was plenty of weather warnings and during the crisis ignored the priority list for power restoration for at-risk citizens and public safety facilities.

Kathy Lyford, Vice President of NE Electric Operations addressed the complaints regarding the trimming of trees. She said there are some areas where they are not allowed to do more aggressive trimming. Tom Coughlin said one thing National Grid could no "right now" is to start a robust tree cutting program. When questioned about where the service originates, Ms. Lyford explained that all work crews come out of Hopedale to serve 27 communities and they have 30 work crews. Suggestions were made relative to forming a municipal power company. Mark Sullivan said the Town would probably have to buy the infrastructure and would at the same time buy all the problems that now exist with National Grid. Representative Barrows explained what Mansfield is doing to

reduce transmission damage by putting wires underground. He said it is something the Town of Foxborough needs to consider going forward. Gordon Greene, 23 Villa Drive, suggested that the Town put an overlay of the National Grid circuit map to better coordinate repair work; areas could be color coded making it easier to locate trouble spots.

Several more residents aired their complaints, their attempts to get some answers about service, poor maintenance of equipment and tree trimming practices.

Larry Harrington asked what the reduction of employees has been in the last ten years. Ms Lyford could not answer but offered to provide that data. Larry asked to have it provided to the Town Manager and the BOS.

Many of the questions from residents were related to why National Grid was not prepared for the storm, why were they not proactive in getting crews into the area before the storm hit and how is National Grid going to react to the next storm. Kathy Lyford said National Grid followed the forecast for the storm and brought crews in from the South Shore. The storm changed direction and crews had to be assigned to the western part of the State. They did get some crews in from Texas. Kathy pointed out that the storm was wide spread and crews were brought into the area from many states; from Connecticut to Boston this was a devastating storm.

Kevin Paicos pointed out that there is something the citizens of Foxborough can do; they can write, phone, e-mail or through any other means of communication notify their State legislators asking them to pass HB869. This bill relates to the creation of municipal utility companies. He said "these people" who are listening to this testimony "are not the enemy." The utilities are investor owned profit making companies and do not exist to provide services for customers. If this bill is passed there would be competition among utility companies. He asked the citizens to please write to their legislators.

A general discussion followed. Larry Harrington spoke about the debris along the streets and stacked on the sidewalks. He said the Town is not going to pick up – it would be an astronomical job. He said the BOS would see what can be done for people who need help in getting rid of some of the limbs, etc. Lynda Walsh advised residents who have put brush on the sidewalks to bring it back into their yard. Lorraine Brue asked whether there is any chance of people getting reimbursed for losses due to the storm, particularly for those who had to throw away food. Chief Hatfield said the question is whether the State is going to allow small communities to put in for reimbursement. Jim DeVellis pointed out that if the Town could do this, it would be done. He said the compost area would be open until the cleanup is complete. He said the cost of tree/branch cutting and chipping does not disappear. The DPW has to keep the streets and sidewalks open; he asked the citizens to "please" not abuse brush removal in any

way. Lynda Walsh voiced concern about the many street lights that are out. She asked which street lights are owned by the Town and that they should be prioritized to get the lights back on as soon as possible. Chief O’Leary warned about people being taken advantage of when the street lights are not working. He said there are some people who come into the community whose intent is to take advantage of a situation. He asked citizens to be aware of any unusual activity in their neighborhood that might be unlawful. He said unfortunately there are unscrupulous people in the world.

**9:15 – Meals Tax Policy** – Kevin Paicos explained that the purpose of this Policy on the Local Option Meals Tax is to make sure there is a clear understanding of how this revenue is to be used. A brief discussion was held.

Motion by Mark Sullivan to approve the Policy on Local Option Meals Tax as submitted. Seconded by Lynda Walsh.

Lorraine Brue said that the Town Meeting presentation was such that the meals tax revenue could be spent on one time capital expenses OPEB and roads exclusively. She feels this policy allows the revenue to be appropriated for other purposes. **Vote: 4-1-0** Lorraine Brue voted in the negative.

**DPU Petition – Hurricane Irene** - A brief discussion was held regarding the Petition by the Town of Foxborough for Investigation of Failures by National Grid to comply with Department of Public Utilities’ Standards with Respect to Tropical Storm Irene. Kevin Paicos suggested that the Board approve this Petition so that the Town could move forward with this; he said there would be a similar Petition that will be part of this investigation relative to the “Halloween” Snow Storm.

Motion by Lynda Walsh that the BOS move to adopt this Petition for an investigation of failures by National Grid relative to Tropical Storm Irene as presented by Kevin Paicos. Seconded by Lorraine Brue. **Vote: 5-0-0**

**Article 8 – General By-Laws Changes** – To allow the Fire Chief to set fees – A brief discussion was held.

Motion by Mark Sullivan to support Article 8 – General by-Laws Changes as presented. Seconded by Lorraine Brue. **Vote: 5-0-0**

**Article 9 – Special Act** – To insert words “Conservation Commission” into Chapter 5 of the Acts of 2004 – Judy Johnson, Conservation Commission, pointed out that at the October 4<sup>th</sup> meeting “there were comments made by BOS that indicated some misunderstanding on Article 9”. She said she would like to rebut some of these comments. Judy read from a prepared statement in which she felt needed to be further discussed. She said she would like to have the public know the Conservation Commission’s side of the story. Judy said the

Conservation Commission feels that it has lost authority under the Town Manager Act; authority that was formerly under Conservation.

Jack Authelet, Foxborough Historian, pointed out that the Conservation Commission deals every day with issues concerning land. He said they have been “faithful stewards” of the land. Based on their track record, Jack Authelet said to put Conservation back in charge of conservation land. Lorraine Brue pointed out that Judge Long’s decision stated that the BOS acted within its authority and did not overstep. Lorraine quoted the specific language of the Judge’s decision. She also noted a number of different statutes that give authority to the Commission and they “would always be there”. She said that the Conservation Commission has been able to carry out its responsibilities very well and that this change is unnecessary because the Commission all ready has authority as stated by Judge Long.

Motion by Jim DeVellis to approve Article 9 as submitted. Seconded by Lynda Walsh. **Vote: 4-1-0** Lorraine Brue voted in the negative.

**Article 10 – Home Rule Petition: Public Endangerment Act** – A general discussion was held. It was noted that the Attorney General suggested this as something the Town should pursue. Chief O’Leary related some examples of incidents where there were multiple arrests of individuals for drunk driving and noted that no matter what rules are in place, they are going to continue to drink and drive. He gave a few instances related to people taken into custody even before the games at the Stadium. He pointed out that drunkenness is not a criminal offense and violators are taken into protective custody. He said this petition is a tool to help people be more responsible for their behavior.

Motion by Mark Sullivan to support Article 10 as presented. Seconded by Lorraine Brue. **Vote: 5-0-0**

**9:45 – FY-12 Goals and Objectives** – A brief discussion was held. This discussion was put on hold until the next meeting.

**ACTION:** A brief discussion was held. The approval of the minutes of Oct. 4 and 25, 2011 was put on hold until the next meeting. Item #7 on the Action list, a request to extend serving hours to 2:00 a.m. was discussed. Chief O’Leary said he had not had problems by allowing a 2:00 a.m. extension. He noted the people are less likely now to go out to big parties on New Year’s Eve and are more inclined to make sure they are not inebriated or assign a designated driver than in years past. He supports this request. Jim DeVellis pointed out that if the Town says “yes” to one vendor the same would have to be for all. He asked if the Board wanted to make a blanket policy or to hear individual requests. Chief O’Leary said the history has been to allow this extension of hours and there have been no drastic incidents over the past 20 years. Mark Sullivan said there have been a few issues and he would not be in favor of a blanket approval.

Motion by Mark Sullivan to approve all Action items as submitted except the Minutes of Oct. 4 and 25, 2011. Seconded by Lynda Walsh.

**Vote: 5-0-0**

Lorraine Brue asked to have an analysis of what the Town is paying out for invoices for services from Town Council that would have previously been under the retainer. Kevin Paicos said he did not know what was billed under the retainer because the billing is not consistent with the original agreement. He said he would check that out. After a brief discussion, Lorraine suggested that Kevin Paicos do that review.

Motion by Lynda Walsh to waive the building permit fees regarding the Library Expansion Project. Seconded by Mark Sullivan. **Vote: 5-0-0**

Motion by Mark Sullivan to adjourn. Seconded by Lorraine Brue.

**Vote: 5-0-0**

Meeting adjourned at 10:30 p.m.

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Mark Sullivan, Clerk