

SELECTMEN'S MEETING MINUTES
June 12, 2012

Members Present: James DeVellis, Chairman
Mark Sullivan, Vice Chairman
Lorraine Brue, Clerk
Lynda Walsh
Ginny Coppola

Others Present: Kevin Paicos, Town Manager
Randy Scollins, Finance Director
Dan Murphy, Gillette Stadium
Joe Angelico and Mike Ashapa, Stadium Advisory
Committee
Edward T. O'Leary, Chief of Police
Roger P. Hatfield, Fire Chief
Attorney Leo Peloquin, Labor Counsel

The Meeting was brought to order at 7:00 p.m. by James J. DeVellis, Chairman.

7:00 – Citizens Input – Janet S. Kennedy, 45 Cocasset Street, came before the Board seeking an update on the street lighting issues that she brought before the Board at the last meeting. Janet pointed out that on Founders' Day there were "way to many" cars parked along Sherman and Cocasset Streets. She asked if temporary "No Parking" signs could be put along those streets next year to keep the streets passable for emergency vehicles.

Dick Heydecker, 63 Grove Street, spoke about his concern over the Town Council issue; he is "totally upset on what is happening." He has waited for 16 months to get a letter from Labor Counsel. He said finally the letter came in March, the BOS had it for over 60 days and why did he not get the letter on March 22nd. When there is a letter of inquiry, it is important to know what question was asked. He pointed out that the By-Law passed in 1996 was never changed by the Town Manager Act. He said he still does not have clearance on that point. He said there needs to be some motion to identify why it took 16 months to get an answer and it must be brought up in open meeting. He was told it was in the process when Andy Gala retired. Now negotiation is being done a new way and the Town has a Town employee negotiating Town contracts. He said "this is not right for Foxborough"; he feels the people of the Town should get answers. Chairman DeVellis explained that there is ongoing review of information left from when Andy Gala was Town Manager and discussions with Rebecca Center, Personnel Wage Board. He pointed out that the BOS would be discussing the Firefighters' Contract in Executive Session. He said that a lot of questions have come up regarding the Town Manager Act and he asked that Kevin Paicos not engage in this discussion; a discussion on the TMA will be addressed during the Town Manager's Review.

David Brown, 17 Merigan Way, distributed a list of Jaycees "Concerts on the Common" for the 2012 season. These concerts are scheduled for Thursday evenings 7 to 9 p.m. and are free to all. He said this is the 21st year for the Foxboro Jaycees and they are looking forward to getting as many people to participate as possible. He thanked the committee members for their work getting this to happen. Nine concerts will be held and each one sponsored by a Foxborough business entity.

Jim DeVellis gave a brief overview of BOS activities, some that have been accomplished and others to come. He thanked Cindy Haddad and all on her committee for a very successful Founders' Day celebration. He said the dedication to the Schools was great. Jim DeVellis acknowledged the resignation of Kate Kominski from the School Committee. He invited the School Committee to participate in the BOS meeting scheduled for July 10th. If anyone wants to be considered for the School Committee please feel free to apply through the Board of Selectmen's office or the School Department office. He said hopefully someone can be appointed that night. Jim DeVellis announced on June 28, 2012 there would be a joint meeting with the Planning Board. There would also be an informational meeting on the new parking regulations and traffic patterns. Those who have questions or concerns should plan to attend.

A brief discussion was held regarding the BOS open office hours. Ginny Coppola reported that in the morning hours there were a couple of ladies came in. She said they appreciated very much the help they received. Lynda Walsh said a resident had come in to ask about the status of the old fire station. She sought input from Representative Jay Barrows on that and the parcel behind the station; she is looking for an update on that. Lynda noted that the parking lot for the Mansfield trains is getting more and more use.

Kevin Paicos responded to the concerns of Janet Kennedy regarding the street lights. He said he contacted the DPW Director to get the one particular street light turned on; there is a possibility of a problem with the fixture and if that is the case there would be a new fixture installed. He explained that 1/3 of the lights are owned by National Grid and others are Town owned. He said he would follow up on which Town lights can be turned on or made brighter. Kevin Paicos pointed out that in terms of turning on the lights, it is a decision of the BOS. Lynda Walsh pointed out that, as far as she knows, the policy is to have every 3rd light on and asked to have DPW Director, Roger Hill check to determine if that is still the policy. Chairman DeVellis said he would reach out to Roger Hill to get more information for further discussion.

7:10 – Discussion – New England Country Music Festival – Police Chief O'Leary distributed details of a Traffic Operation Plan NECMF I – II outlining the plans to improve the traffic congestion issues. He said these plans are a result of meetings with Stadium representatives, the Town of Walpole and the State Police. He reviewed the traffic issues that occurred at the New England Country

Music Festival last year. He noted particularly that midget football games were going on at the ball field on Payson Road on that same day. He spoke with the president of the football association and there would be no games scheduled on the day of the festival. The Chief pointed out steps are already taking place – working with Mass Highway to create “storage lanes” on Route 495 and Route 95 if there seems to be a traffic back up and traffic posts will be up along local roadways to open and/or close local streets as necessary. Michael Boynton, Walpole Town Manager, said he is very satisfied with the plans as established by Chief O’Leary. He pointed out that the Town of Walpole has always had a good relationship with the Stadium. He thanked Chief O’Leary for taking steps to make sure the challenges of the last few years “will be a thing of the past”. Chief O’Leary said that he had met with all the parking lot owners and re-wrote the parking lot regulations based on information received from that meeting.

7:30 – Public Hearing – Bruce Springsteen Concert – Lorraine Brue, Clerk, read the Public Hearing Notice. The purpose of this Public Hearing is to review the application submitted by NPS LLC for the Bruce Springsteen concert scheduled for August 18, 2012 from 7:30 to 11:15 p.m.

Dan Murphy, Vice President Gillette Stadium, reviewed the application. He said NPS LLC is the promoter. The gates open at 6:00 p.m. and the curfew is 11:15 p.m. All required paper work has been submitted. Mark Sullivan asked if any thought had been given to not allow glass containers in the parking lots in the future. He pointed out that they are banned inside the Stadium and asked “why not” in the parking lots as well.

Joe Angelico spoke for the Stadium Advisory Committee. He said the Stadium Advisory Committee had met with Public Safety, the Building Inspector and Dan Murphy, Gillette Stadium to discuss any issues relative to this concert. He said his Committee voted unanimously to recommend that the BOS approve this application. Mark Sullivan noted that the Board had received input from the Chief of Police, Fire Chief and Board of Health all approving this license.

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

Motion by Lynda Walsh to approve the application as submitted by NPS LLC for the Bruce Springsteen concert on August 18, 2012. Seconded by Mark Sullivan. **Vote: 5-0-0**

7:45 – Public Hearing – University of Massachusetts Home Games – Lorraine Brue, Clerk, read the Public Hearing Notice. The purpose of this Public Hearing is to review the application submitted by NPS LLC for the 2012 University of MA Home Games.

Dan Murphy said the Stadium has a five-year deal with UMass to play four or five games at Gillette Stadium. He said the expected attendance would be

approximately 15,000 per game. He briefly mentioned the UMass vs. UNH game and said the Stadium does not anticipate any problems similar to last year at that game. Joe Angelico, Stadium Advisory Committee, said he is concerned about bussing and drinking; however he feels that with the partnership of the Stadium and Chief O'Leary any issues would be appropriately addressed. Mike Ashapa, Stadium Advisory Committee, pointed out that this is a new type of event and the Advisory Committee would be on hand to monitor.

Dick Heydecker voiced concerns about public safety in terms of hours worked by Police and Fire. He questioned control of the number of hours people are working. His concern is public safety and liability for the Town. Jim DeVellis pointed out that the Town is responsible for the Police officers. The Board would be looking at the issues of overtime and details. He said this discussion is not appropriate for this hearing. Chief O'Leary pointed out that Dick Heydecker has brought up the overtime hours and hours on duty. He said it is his priority to make sure no employee is working that cannot make a proper judgment call; he monitors that very closely and, if necessary, he would bring in officers from the outside.

Motion by Mark Sullivan to close the Public Hearing. Seconded by Lorraine Brue. **Vote: 5-0-0**

Motion by Lynda Walsh to approve the application for the 2012 UMass Home Games at Gillette Stadium as submitted by NPS LLC. Seconded by Mark Sullivan. **Vote: 5-0-0**

8:00 – Public Hearing – New England Patriots Home Games – Lorraine Brue, Clerk, read the Public Hearing Notice. The purpose of this Public Hearing is to review the application submitted by NPS LLC for the 2012 New England Patriots Home Games. The proposed schedule was attached.

Dan Murphy said not much has changed from prior years. He pointed out that they would try to have people coming in from the North park in the North lots and for those coming in from the South park in Southern lots. He said most changes are in the area of traffic plans; there are no operational changes. Joe Angelico advised that the transportation issues had been discussed with the Patriots. Mike Ashapa said that Chief Hatfield has plans based on attendance noting the first aid stations will be manned.

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

Motion by Lynda Walsh to approve the 2012 application for New England Patriots Home Games as submitted by NPS LLC. Seconded by Lorraine Brue.

A brief discussion followed concerning traffic issues. **Vote: 5-0-0**

ACTION: (Taken Out of Order)

Grand Re-Opening Event – Residence Inn – Received from Michael Gendrin, General Manager, a request for a One Day Wine & Malt License for the Grand Re-Opening on July 12, 2012, an event to showcase newly renovated rooms. A brief discussion was held.

Motion by Mark Sullivan to approve the application for a One Day Wine & Malt License for the Grand Re-Opening of the Residence Inn by Marriott Foxborough as submitted. Seconded by Lorraine Brue. **Vote: 5-0-0**

8:15 – Bond Acceptance – Randy Scollins, Finance Director, came before the BOS seeking a vote of approval to accept the low bid on \$12,895,000 bond sale for the financing of the Library renovation and expansion and the Oak Street water treatment projects. He submitted a summary of the Bond Offering Results. Randy explained that the Library project originally authorized at \$7.5M was reduced by \$405,000 by vote of the Town at the Annual Town Meeting in May. He said the Water project was also reduced by applying \$382,000 available water capital. He pointed out that with these reductions the Town would be borrowing 1.6M less. He said five bids were submitted and those were very tight. The low bidder was Janney Montgomery Scott, LLC with a 2.9% offering. He recommended that the Board vote to approve the bond offering from Janney Montgomery Scott, LLC. Randy also noted that Standard & Poor's rating is at AA+; Foxborough being one of only 15 Towns in the Commonwealth to receive a AA+ rating. A brief discussion was held. Kevin Paicos and members of the Board congratulated Randy on the hard work done by his Department to achieve the AA+ rating by Standard & Poor's.

Motion by Lorraine Brue, Clerk of the Board of Selectmen of the Town of Foxborough, move to accept the form of vote as recommended by bond counsel, and further incorporate that written motion into this one.

Said form of vote authorizes the \$12,895 million bond offering and resulting sale of bonds, for the purpose of renovating and expanding the Boyden Library and constructing a water treatment plant on Oak Street, to Janney Montgomery Scott LLC at the average effective interest rate of 2.914% and affirms the Town's required compliance obligations in connection with this bond sale. Seconded by Lynda Walsh. **Vote: 5-0-0**

8:25 – Public Hearing - Change of Manager – Received from Bass Pro Outdoor World, LLC an application for Change of Manager for the Blue Finn Lounge. James P. Cammarata, the new Manager for the Blue Finn Lounge was present to answer questions and provide information regarding his experience in the business. Mr. Cammarata said he has four years experience as manager with full all alcohol license. He said he has not experienced any instances to report in the past 35 to 40 years in the restaurant business. He pointed out that

the Blue Finn Lounge closes when the Bass Pro Shop closes and there should not be any problems selling alcohol. Jim DeVellis said that the Town takes a hard line on any instance of underage service.

Motion by Mark Sullivan to close the Public Hearing. Seconded by Lorraine Brue. **Vote: 5-0-0**

Motion to approve the application for Change of Manager at the Blue Finn Lounge as submitted by Bass Pro Outdoor World, LLC contingent upon the return of the CORI form. Seconded by Lorraine Brue. **Vote: 5-0-0**

8:35 – Payson Road Speed Limit – Matt Monahan and Mike Casey, residents living on Payson Road, were present to discuss the speed of traffic on their street. Jim DeVellis gave a brief review of the reconstruction of Payson Rd. and the intersection at North Street. He said he had asked Roger Hill, DPW Director, for input on this matter. Mike Casey said that when all things are resolved, he hopes the residents on Payson Road would “get what was promised” in the way of traffic calming measures. He pointed out that now it is a beautiful road but the problem is the speed of traffic. He feels the Town has an obligation to minimize the speeding problem. He expressed disappointment in that “table top” is not going in. Roger Hill said that certain things in the project were rescinded without his being notified and now the Town is left with a 35mph speed limit on the Road. He feels that a 25mph would be appropriate.

A brief discussion was held. Lorraine Brue felt the 25mph is reasonable on Payson Road; she said the Town should address the traffic calming measures because that is what was promised to the residents. Jim DeVellis said that he felt 25mph is reasonable in that area pointing out that there are various youth football games, etc. as well as toddler programs using the athletic facilities on Payson Rd.

Motion by Mark Sullivan to reduce the speed on Payson Road to a suggested 25mph. Seconded by Lorraine Brue.

Discussion – Bill Grieder, Planning Board, spoke briefly regarding the “table top” construction. He pointed out that these “plateaus” are not done during original paving, they are usually add-ons. He said that speed signage does not come before the Planning Board. Kevin Paicos said the Planning Board approved the final design during the site plan approval process. Bill Grieder commented that the whole Payson Road, North Street intersection project was a very complicated project. Kevin Paicos said he is comfortable with whatever action the Board would take at this meeting and if further investigation is needed, he would see that it gets done. **Vote: 5-0-0**

ACTION (continued):

Minutes – The Minutes for the Board of Selectmen’s Meetings of May 22 and May 29, 2012 were reviewed.

Motion by Lynda Walsh to approve the Minutes of May 22, 2012 as amended. Seconded by Lorraine Brue. **Vote: 5-0-0**

Motion by Lynda Walsh to approve the Minutes of May 29, 2012 as corrected. Seconded by Lorraine Brue. **5-0-0**

Boyden Library Gift Fund – Received from Jerry Cirillo, Director Boyden Library, notice of receipt of a donation to the Boyden Library Gift Fund in the amount of \$110.00.

Motion by Mark Sullivan to accept with gratitude the gift of \$110.00 to the Boyden Library Gift Fund from Carol and Jerry Cirillo. Seconded by Lynda Walsh. **Vote: 5-0-0**

Extended Alcohol Service Hours – Received from Jake Schlueter, Manager Red Robin, a request for extended alcohol service hours beginning at 11:00 a.m. for the 2012 Patriots home games on Sundays.

Motion by Mark Sullivan to approve the request for extended alcohol service hours opening at 11:00 a.m. for Patriots Home Games beginning at 1:00 p.m. for the 2012 season. Seconded by Lorraine Brue. **Vote: 5-0-0**

Historical Commission Resignation and Associate Member Appointment – Received from Robert Hicks notice of his resignation from the Foxborough Historical Commission effective June, 2012. Jim DeVellis read the letter of resignation noting the eight years of dedicated service to the Commission.

Motion by Lynda Walsh to accept with gratitude the resignation from the Foxborough Historical Commission as submitted by Robert Hicks. Seconded by Lorraine Brue. **Vote: 5-0-0**

Motion by Mark Sullivan to approve the appointment of Robert Hicks as Associate Member of the Foxborough Historical Commission. Seconded by Lorraine Brue. **Vote: 5-0-0**

Committee Appointments – Three Committee Appointments were approved.

Motion by Mark Sullivan to approve the appointment of Frank L. Souza, 104 Cocasset Street, to the Audit Committee for a term expiring 7/1/2015. Seconded by Lynda Walsh. **Vote: 5-0-0**

Motion by Mark Sullivan to approve the appointment of Robert W. Boette, 22 Carmine Ave., to the Canoe River Aquifer Advisory Committee for a term expiring 7/1/2015. Seconded by Lynda Walsh. **Vote: 5-0-0**

Motion by Mark Sullivan to approve the appointment of Frances Bell, 27 Shoreline Drive, to the National Organization on Disability for a term expiring 7/12/2014. Seconded by Lorraine Brue. **Vote: 5-0-0**

Resignation – Received from Matthew Shea, 60 Granite Street, notice of his resignation from the Town Cable Television Advisory Committee effective December 13, 2011.

Motion by Mark Sullivan to accept with gratitude the resignation of Matthew Shea from the Town Cable Television Advisory Committee as submitted. Seconded by Lorraine Brue. **Vote: 5-0-0**

Block Party Request – Received from Michael & Rose Lincoln, 12 Howard Ave., a request for permission to close off Howard Avenue from Shaw Place to Carpenter Street to hold the 15th Annual Powder House Neighborhood Block Party on Sunday, August 11, 2012.

Motion by Mark Sullivan to approve the request, pending approval by Chief O'Leary, to hold a block party and to close to traffic on Howard Ave. from Shaw Place to Carpenter Street as requested by Rose & Michael Lincoln. Seconded by Lorraine Brue. **Vote: 5-0-0**

Relay for Life at Ahern School Track – Received from Amy Walker an application to hold a Public Event, the American Cancer Society Relay for Life at the Ahern School Track on June 22nd and 23rd.

Motion by Mark Sullivan to approve the Public Event Application as submitted by Amy Walker to hold the American Cancer Society Relay for Life at the Ahern School Track on June 22 and 23, 2012 as submitted. Seconded by Lorraine Brue. **Vote: 5-0-0**

First & Goal – One Day All Alcohol Liquor License – Received from Fred Smerlas an application for eight (8) One Day All Alcohol Liquor Licenses for the “Patriots Tailgate Party” for the 2012 Patriots Regular Season to be held at 59 Washington Street.

Motion by Mark Sullivan to approve the application for eight (8) One Day All Alcohol Liquor Licenses as requested by First & Goal and to allow to move

dates without re-applying for start time or dates that may be changed by the NFL. Seconded by Lorraine Brue. **Vote: 5-0-0**

Banners on the Common – Received a request from Sharon Wason, Town Planner, on behalf of the Planning Board to hang banners on the Common fences to announce the Downtown Workshop scheduled for June 21, 2012.

Motion by Mark Sullivan to approve the request to hang banners on the Common as submitted by Sharon Wason, Town Planner. Seconded by Lynda Walsh. **Vote: 5-0-0**

FY-2013 Commercial Parking Lot License Renewals – Received from the Town Manager a list of the Commercial Parking Lot License Renewals. A brief discussion was held regarding the renewal of the Parking Lot License for Motorcycles of Manchester.

Motion by Mark Sullivan to approve the list of the Commercial Parking Lot License Renewals as presented. Seconded by Lorraine Brue. **Vote: 5-0-0**

Common Victualler License Application – Received from Peter & Mini Tran an Application for a Common Victualler License for Berry Yogurt LLC, 268 Patriot Place.

Motion by Mark Sullivan to approve the application submitted by Peter & Mini Tran for a Common Victualler License for Berry Yogurt LLC, 268 Patriot Place. Seconded by Lorraine Brue. **Vote: 5-0-0**

8:50 – Town Manager’s FY-12 Annual Review – Chairman DeVellis explained the formula used by the entire Board in making this evaluation. He said the evaluation was based on eight (8) categories related to Goals & Objectives and each Board member submitted their own evaluation. The same evaluation form was given to the Town Manager for self evaluation. A scoring system was used to identify the level of performance. A discussion was held regarding whether or not to use the evaluation submitted by Larry Harrington, former BOS Chairman. Kevin Paicos said he would rather be evaluated by a Board member with whom he had worked. Larry Harrington had submitted his evaluation before Town Election. Jim DeVellis pointed out that Kevin Paicos was being evaluated by five Selectmen who try to do what is best for the Town. Lorraine Brue felt that the information submitted was very well done and very fair. She expressed concern about using the comments submitted by Larry Harrington and suggested that the evaluation be comprised of only the four evaluations submitted by those Selectmen who had served during the past year and are still members of the Board. She explained that this concern is based from a technical standpoint on compliance with the obligation of the Board. Attorney Leo Peloquin noted that Larry Harrington was evaluating because he had been on the Board during the period of evaluation. A brief discussion ensued regarding the impact of the

evaluation by Larry Harrington. Attorney Peloquin explained that the consensus of the evaluation is what should be considered for determining the increase in salary. He said that determination is the responsibility of the existing Board and that Larry Harrington's evaluation has no impact on a salary increase. He pointed out that those who worked with the Town Manager should do the evaluation. He said this Board can determine what is at stake and whether the Town Manager should get an increase. Jim DeVellis read through the 8 categories giving the scores. He pointed out that the members of the Board were asked to list three major accomplishments for the Town Manager, what were Kevin's strongest points and areas for improvement. Brief comments from each Board member were also included in this process. Kevin Paicos said it is important that the Board give an indication of what the Board wants as far as getting things done with respect to Goals and Objectives. He said going forward he would like to draft Goals and Objectives in response to the evaluation. He has no problem with a new list of Goals and Objectives as long as the departing member's comments are not included as a basis for an increase in compensation. Kevin Paicos pointed out that he has no objection to the inclusion of Larry Harrington's evaluation in this document.

Chairman DeVellis pointed out that out of the scores of 1 – 5, the consensus of the Board is right in the middle. He said there are some things that Kevin Paicos has done very well and other not so well. Jim DeVellis noted that once the Board finishes this process, then the Board can go on to figure out the merit. Kevin Paicos said he would certainly agree that this has been a most extraordinary year and has been a real learning curve. He said the BOS has worked very hard on this. He said it is very difficult to listen to oneself being evaluated in public. Going forward he wants to be absolutely clear as to what the Board and the community want. He said he "would try his level best to continue improvement." He said this has been a productive process. The next step is to come back with new Goals that will be a combination of the ones he is working on with some new ones added. A brief discussion was held relative to the next step, the consensus of the Board was to put any further action on this on the agenda for next week's meeting.

Motion by Lynda Walsh to go into Executive Session for the purpose of discussing the Firefighters' Grievance and the DPW Contract and to exit from Executive Session for the sole purpose of adjournment. Seconded by Mark Sullivan.

Vote: 5-0-0	Jim DeVellis, Chairman	Yes
	Mark Sullivan, Vice Chairman	Yes
	Lorraine Brue, Clerk	Yes
	Lynda Walsh	Yes
	Ginny Coppola	Yes

Motion by MarkSullivan to adjourn. Seconded by Lorraine Brue.
Vote: 5-0-0 Meeting adjourned at 11:45 p.m.

Lorraine Brue, Clerk