

SELECTMEN'S MEETING MINUTES
June 26, 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 and Ted Fire, Gillette Stadium
Richard Pacella, W&S Commission

The Meeting was brought to order at 7:05 p.m. by James J. DeVellis, Chairman.

7:05 – Citizens Input – Janet S. Kennedy, 45 Cocasset Street, thanked the Board for getting the street light turned on after her request two weeks ago. She said the lights are still not on on Sherman, Leonard or Cocasset Streets. Chairman DeVellis pointed out that this is an agenda item for discussion later in the meeting.

Dick Heydecker, 63 Grove Street, said he had two items to speak about. He is concerned about the lack of notice regarding the transfer of funds. He asked the Board to consider what the by-law stipulates. He quoted from the By-Law. He pointed out that if a transfer was going to be brought forward under the name of the BOS, should not that be on the agenda for discussion. In his opinion the Advisory Committee cannot vote on a transfer at the meeting scheduled for tomorrow night because of how the By-Law is written. He brought up the issue of response from Town Counsel that he spoke of last week. He said a sixteen week wait should not be acceptable.

Chairman DeVellis said he is of the opinion that the Advisory Committee can vote on the transfers as they have done in the past. He said he would share with Dick Heydecker the sections of the By-Law he referenced. As to Goals and Objectives, Jim DeVellis pointed out that it is a matter of who is sitting in on the negotiations and once the Board has had a chance to re-examine the Town Manager Act more definitive answers would be available. George Leonard, 3 Aldrich Street, suggested forming a committee to be the facilitator for creating the Warrant. He pointed out that a number of towns have such a committee and he would ask that the Board seriously consider forming a Warrant committee.

Jim DeVellis congratulated the Planning Board on the Master Plan Study. He said the consultants did a great job pulling all the information together. He said that on Thursday, June 28th another meeting is scheduled to talk about dam control. On July 10th, there would be a joint meeting with the School Committee for discussion on the appointment of an interim School Committee member.

7:15 – Discussion on Billboard/Water & Sewer Agreement – Dan Murphy and Ted Fire of the Kraft Group were present. Dan Murphy said he had attended W&S meetings recently and he has a better understanding of the last two open boards. He said they do agree that month to month arrangement does not serve anyone well. Dan said there has been discussion about a larger deal and trying to put together something including advertisement on Route 1 also for IMA & W&S closure. He pointed out that two years have been spent going through negotiations. He said instead they are taking lessons learned and trying to start again talking to the Town. He feels that they should be talking to a larger group. He suggested that something like an ad hoc committee with representatives from W&S, BOS, Planning Board, Advisory Committee and Town Counsel. Dan Murphy pointed out that it is not going to be as easy as signing an agreement and things are going to get done; it is just part of the process.

A general discussion ensued. Lynda Walsh pointed out that the Town is starting anew putting other things behind trying to get a good relationship back. Mark Sullivan did not recall Town Counsel ever having been on a Board committee. Jim DeVellis said mistakes have been made on 30B and he does not want to go through that again. There needs to be checks and balances. Lorraine Brue felt this would be a good idea in terms of moving forward and transparency. She said she is looking for ways to establish straight forward business association with the Patriots. She felt that having W&S as a base for an agreement is key for this community. Lorraine Brue would be more comfortable bringing an agreement forward from W&S suggesting what the BOS could provide for that. Rich Pacella, Water & Sewer Commission, said incoming away from a meeting, he felt there needed to be other participation; he said this is a discussion that the community needs to have. He pointed out that a decision needs to be made relative to the Tri-town sewer issue. He said looking forward to pursue conversations with the Kraft Group and feel it is necessary to have some kind of group or organization making sure every one is working together. Rich Pacella said the IMA at this point Mansfield is not in a position to try to accommodate Foxborough and is pushing; Once they get to the end and if a decision cannot be made, Mansfield will continue as operate as present and Foxborough will remain a customer. Mark Sullivan felt the Board should take action at this meeting instead of having more dialog. Jim DeVellis would like to see a list of people who can get things accomplished during the summer. He said there is a lot to be done and he feels there is no more that can be done during this meeting. Dan Murphy said he would agree to get together to have everybody in the room as opposed to meeting with one or two persons. Lorraine Brue felt it would be very important to have people get together, even if all could not attend. She said some could act as liaisons, have a robust discussion and go back to their boards with information. She feels that is just the kind of working relationship that is needed. She said whatever approach W&S want to take to get things out in the open would be very helpful. Rich Pacella said W&S definitely wanted to have a committee put together.

Kevin Paicos said the idea of this proposed committee is a great idea; to have someone from the community and someone from multiple boards to make up the committee. He said it would not be covered by the Open Meeting Laws because the

meetings would be only for mutual discussion on whatever. They would not be making any decisions that would bind the Boards and no contracts would be signed. He does not want to see two or three weeks getting things together, just keep it simple.

7:45 – Town Manager’s Goals and Objectives – Chairman DeVellis said the Goals and Objectives have been put together for the year. He explained that this would be the basis upon which to measure the Town Manager’s review. Lorraine Brue said the Board should go through the Goals and Objectives to make sure everyone understands, some are similar and there is a possibility to group them together for a better understanding of what is expected.

Kevin Paicos thanked the Board pointing out that this process represents a great deal of work. He pointed out that some look like priorities for the BOS to do extending their role in some way. He said others are clearly the Town Manager’s responsibility to get done. He would separate those items that are really goals of the BOS. He would not encourage the Board to figure out how each Department Head would be responsible; he said to give that responsibility to him. He pointed out that it is a long list and it is impossible to get around that. He pointed out that some are statements of policies. He said a review of the list has to happen, things have to be broken into groups so that everyone would be clear on just what the Board wants done.

Mark Sullivan asked for an update on the process for hiring a Human Resources person. Kevin Paicos gave a brief review of actions taken thus far. He said a third advertisement had gone out with a deadline date around August 20th. He would start interviewing candidates. He said Randy Scollins would chair the initial committee. The Board will be given a list of finalists. At that point applicants would be reviewed by a second committee and a decision would be made to present a candidate before the start of the budget process. Mark Sullivan felt it would be important for a member of the BOS to be appointed to that committee. Kevin Paicos pointed out that there never has been a BOS representative on such a committee. He gave the names of those making up that committee. Lynda Walsh said she would like to see the same approach used as when the DPW Director was chosen. George Leonard, 3 Aldrich Rd., pointed out that under the Strong Manager Act the BOS has the right to disapprove and therefore, there could be a conflict of interest if a BOS member were to be on that committee.

8:15 – Citizen’s Input Policy - Kevin Paicos said Town Counsel pointed out that there a lot of case law regarding someone coming to the microphone without the Board having an idea of what they are going to say. Kevin Paicos pointed out that many people have heard comments made about others that would make them file a libel suit. The Town Counsel recommended that the Board might consider adopting some sort of notification or develop some kind of structure. Kevin Paicos noted that there is all ready some informal rules, such as the fact that a person cannot engage in a back and forth discussion. He would support the adoption of informal rules to be on display so that people would know what the rules are. Lynda Walsh said she has always believed that people should be permitted to speak and bring any issue to the attention of the Board. Lorraine Brue agreed that it is important to have simple rules in place and that the

Chairman is responsible as to who can speak or not speak. Mark Sullivan said he would like to “see some rules” before any further discussion. Jim DeVellis said he does not mind if someone speaks “off the cuff” and the rules of common courtesy should apply. He would not want to put up a list of new rules; it is up to the Board to make a decision. He pointed out that there has never been an issue at this point.

8:25 – Refuse Collection Contract Award – Kevin Paicos gave a brief overview of the process used in arriving at a recommendation to for a new trash and recycling contract. The RFP was divided into two separate documents – a technical proposal and a price proposal. There were seven responses to the RFP. The proposals were reviewed separately. The recommendation of the committee was Russell Disposal, Inc. – scored the highest in the technical proposal and second lowest in the price proposal. He pointed out that the price to the users of the program would be guaranteed for the next three years. The program includes the purchase of bags and tags. The savings to individual homeowners is about 2% over the five year life of the contract. The new contract starts the beginning of August. Kevin Paicos explained that if there is any problem with collection, etc. the homeowner would deal directly with Russell Disposal as it is a contract between the homeowner and the company. A brief discussion ensued. Ginny Coppola asked what the fee is going to be. Randy Scollins said the first bill would be \$137.45 (11 months) after that it would move to \$141.45. Randy explained that the month of July is going to be a “free” month due to surplus revenue in the Trash and Recycling account that could only be used to offset costs to that account.

8:35 - Street Lights – Kevin Picos gave a brief background of why some of the street lights are turned off. He said there is no written policy; there should be a computer listing of where all the Town-owned lights are located. Roger Hill, DPW Director, said this problem has not been solved in fifty years and in order for that to happen the towns involved would have to sign some kind of pact – this probably would not happen. Kevin Paicos said it could cost the Town about \$400,000 to turn on all the lights. He said generally a Town-owned light is turned on in response to a complaint by a citizen.

8:45 – Discussion on Town Manager Salary – Chairman Jim DeVellis explained that the Town Manager Performance Review has to be done in public in compliance with State law. The Salary Review also is required by the State to be in public. It is important for the people to understand that the benefit of doing this in public far outweighs conducting these reviews in private. This review is based on Goals and Objectives. Jim DeVellis said the Board was prepared to look at the merits of a zero increase or whatever the Board decides upon. Lorraine Brue felt that overall Kevin Paicos has met expectations. She said she could only speak from what she is familiar with. She felt that 2-1/2% to 3-1/2% where Kevin met expectations would be a good starting point. She said there are a list of accomplishments and areas where there is room for improvement. She said it is important to look at the body of work that has been accomplished in a rough year where a lot went on. Lorraine pointed out the new Pay Plan that has just happened where there are now 10 steps where each was evaluated and there is some merit included. She said that typically when a step program is used and the standards are met, a 2-1/2 increase awarded depending on

how the employee is doing. She felt this is not unreasonable. Lynda Walsh pointed out that last year Kevin Paicos got 3% with the caveat that it was not a merit or COLA increase. She said there was a dispute about the contract and the Board finally agreed upon the 3%. Lorraine Brue pointed out that going forward the increase should be based on merit. Jim DeVellis said that Kevin Paicos did not get COLA based on merit; it ended positively. Lynda Walsh said this year there are employees taking zeros. Jim DeVellis said the average is 1 – 1 ½%. Mark Sullivan said this year has been the most difficult he has ever seen the Town of Foxborough go through. He said there is definitely room for improvements. He suggested 2.0%; he would agree to that and would expect there would be more improvement this year. He said there seems to be some agreement on the Board that there is merit.

A lengthy discussion was held including comments on the adjustments for those employees moving onto the new Payment Plan, the fact that in private sector people have not realized raises in the difficult economy, the need for improvement based on goals and objectives for Kevin Paicos, something in the middle of zero or 3% increase and recognition for the work done in an extraordinary year. Kevin Paicos said his evaluation has been done fairly and that now the BOS has to decide on the merits. He said he would respect whatever decision is made. Mark Sullivan noted that there seemed to be a split between 1-1/2% and 2%; he felt there is room for compromise. Lynda Walsh said it is very difficult; she would like Kevin to take zero for one year. She agreed that Kevin should be doing more of what is expected. Lorraine Brue said Kevin Paicos had worked under very difficult circumstances and made changes that were a very difficult thing for management. She felt it is not fair to not acknowledge the CEO of the Town through compensation for what he has been doing this past year. Lynda Walsh said that although this year has been more than extraordinary, she felt Kevin should take a zero even though she felt he has done a “fantastic” job.

Motion by Mark Sullivan to keep the Town Manager’s salary at \$148,320.00, giving Kevin Paicos no increase. Seconded by Lynda Walsh.

Vote: 3-2-0 Lorraine Brue and Mark Sullivan voting in the negative.

Discussion on Town Counsel - Chairman DeVellis made sure each member had a copy of the rate sheet for the Town Counsel applicants. Mark Sullivan suggested bringing in the 1st and 2nd rated applicants for a second interview. He is comfortable with those two and said he did not see what further information could be gleaned from a further interview. Lorraine Brue felt it would be more helpful to have the 2nd and 3rd rated applicants come in for a second interview. Mark Sullivan felt the Board had enough information and should move forward as he would like to see this move forward as soon as possible. He suggested bringing the candidates back with one question from each Board member and allow for follow up and from that point invite an applicant back to negotiate a contract.

Motion by Mark Sullivan to bring back for second interview Blatman, Bobrowski & Mead and Gelerman & Cabral at the next scheduled meeting of the Board. Board

members to prepare one question each and be able to have follow up questions, make a selection to come back to arrange negotiations. Seconded by Lynda Walsh.

Vote: 5-0-0

Kevin Paicos pointed out this would be on the Agenda for the next meeting. He pointed out that a joint meeting is to be held July 10, 2012 with the School Committee. The interview could start at 6:45 p.m. Jim DeVellis thanked Attorney Paul DeRensis for his hard work for the Town and "It just was not a good fit". He wanted Attorney DeRensis to understand that this was no reflection on him but that "things change".

ACTION:

Minutes - The Minutes of the Board of Selectmen's Meeting of June 12, 2012 were reviewed.

Motion by Lynda Walsh to approve the Minutes of the Meeting of June 12, 2012 as amended. Seconded by Mark Sullivan.

Vote: 5-0-0

Waiver of Certain Permit Fees – Received from William Casbarra, Building Commissioner a request for the waiver of certain Permit Fees for the Municipal Water Treatment Facility. A brief discussion was held.

Motion by Mark Sullivan to approve the waiver of Permit Fees as requested by Bill Casbarra, Building Commissioner in the memo dated 6/14/12. Seconded by Lorraine Brue.

Vote: 5-0-0

Notice from the ABCC – Received Notice of Hearing from the ABCC regarding alleged violations at The Country Store at 212 North Street. A brief discussion was held, no action taken.

4 Donations – Founders Day – Received a donation from the Founders Day Planning Committee, Inc. in the amount of \$950.00 to be deposited in the Foxborough Animal Control Gift Fund.

Motion by Mark Sullivan to accept with gratitude the gift from the Foxborough Founders Day Planning Committee, proceeds from the Cow Chip Bingo event, in the amount of \$950.00, to be deposited in the Foxborough Animal Control Gift Fund. Seconded by Lorraine Brue.

Vote: 5-0-0

Foxborough Recreation – Received from the Masonic Angel Foundation, Inc. – St. Alban's Masonic Angel Fund a gift in the amount of \$1,500.00 to be deposited in the Foxborough Recreation Gift Fund.

Motion by Mark Sullivan to accept with gratitude the gift from Masonic Angel Foundation, Inc., St. Alban's Masonic Angel Fund in the amount of \$1,500.00 to be deposited in the Foxborough Recreation Gift Fund. Seconded by Lorraine Brue.

Vote: 5-0-0

Boyden Library – Received from Jerry Cirillo, Boyden Library Director, notice of receipt of a donation from the Lakeview Pavilion Charitable Foundation Corp. in the amount of \$3,900.00 to be used for Museum Pass and to be deposited in the Library Gift Fund.

Motion by Mark Sullivan to accept the gift from the Lakeview Pavilion Charitable Foundation Corp. in the amount of \$3,900.00 to be deposited in the Boyden Library Gift Fund. Seconded by Lorraine Brue.

Vote: 5-0-0

Boyden Library – Received from Jerry Cirillo, Boyden Library Director, notice of receipt of a donation from Kenneth Elovitz, 26 Elm Street, in the amount of \$350.00 to be deposited in the Boyden Library Gift Fund.

Motion by Mark Sullivan to accept the gift from Kenneth Elovitz, 26 Elm Street, in the amount of \$350.00 to be deposited in the Boyden Library Gift Fund. Seconded by Lorraine Brue.

Vote: 5-0-0

Release of Deed – Received notice from the Conservation Commission of receipt of a Release Deed for a Portion of Oak Street, Foxborough. No action necessary.

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

Vote: 5-0-0 Meeting adjourned at 10:15 p.m.

Lorraine Brue, Clerk