

SELECTMEN'S MEETING MINUTES

October 30, 2012

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

Others Present: Town Manager Kevin Paicos
Tom Coughlin, National Grid Liaison
Dan Murphy, Kraft Organization
Anthony Rando, South Shore Metals
Town Planner Sharon Wason
DPW Director Roger Hill
Fire Chief Roger Hatfield

The meeting was brought to order at 7:00 p.m. by James DeVellis, Chairman. Chairman DeVellis reviewed the agenda. He welcomed two gentlemen from Pakistan that are spending the day in Foxboro observing town government.

Hurricane Sandy Impact

Mr. Paicos updated the Board on the progress of getting power restored to the customers that lost it due to the hurricane on Monday. Ninety-six percent has been restored. There are customers on three roads still waiting for power, about 340 customers. As far as the vulnerable population in town, there is only one person without power and they are being taken care of by family members. The seniors in the trailer park off of Route 1 that are without power are being checked on.

Tom Coughlin the liaison from National Grid came before the Board and apologized for the inconvenience to the customers without power. He thanked the DPW for helping to clear out down trees and limbs. He stated that they have learned a lot since last year's incidences and are working to restore power. He also thanked Chief Hatfield as the Emergency Response Coordinator. The Board would like to have National Grid on a future agenda to discuss the problems that still exist.

Citizen Input

Dan Murphy of the Kraft Organization came before the Board to request that no action be taken on the appointing of a negotiation committee between the Kraft Organization and the town. They are withdrawing their efforts at this time. He preferred to come in person instead of submitting a letter.

Janet Sullivan Kennedy asked if the Board could instruct the Town Moderator to remove a person from the Advisory Committee. She was advised that they could not.

Chairman's Update

Board meetings have been scheduled for November 5th and November 20th to conduct hearings on the recent Liquor License violations.

Upcoming agenda items include tax classification hearings with the split tax rate discussion and a joint meeting with the School Committee.

The warrant for the upcoming Town Meeting will close on November 27th; Town Meeting is on December 11th.

A discussion of the Strong Town Manager Act and the merits of having the May Town Meeting on a Saturday will be placed on future agendas for discussion.

The Planning Board is having a presentation this Thursday from 7:00 – 8:30 with MAPC to discuss parking downtown.

Action Items

Anthony Rando of South Shore Metals has submitted an application for a Junk Dealer/Second Hand Articles license. He deals in scrap gold, silver and precious metals under the name South Shore Metals. He would like to open a store at 50 Central Street. He has another location in Sandwich, MA. He submitted a Business Procedures list stating his procedures to prevent someone from trying to sell stolen items. He will obtain valid picture ID from all customers, he will not purchase items from anyone under 25, he will photograph the ID and all items purchased from all customers. He will also maintain a log that will be available for inspection by the police department. His location in Sandwich has been there for four years and he works with the police department there when necessary. His demographic is the 40-70 year old. Ninety-nine percent of the jewelry is melted down; he will not resell jewelry but may resell some coins. There will be no consignments or pawned items.

A motion to approve the Junk Dealer/Second Hand Articles License to be valid through December 31, 2012 with conditions that the application is reviewed by the Police Chief and there will be no outside storage of metals was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 5-0-0.**

South Coast Rail Technical Assistance Grant Award

Mr. Paicos stated the Town Planner Sharon Wason has received a Technical Assistance grant from the state. This grant will work on downtown growth by updating the Zoning Bylaws and helping to implement a housing production plan and creating a mixed use district. Foxboro is one of fifteen communities to receive these funds.

Update on Pavement Management System

The Board met with DPW Director Roger Hill to discuss pavement management. In August the roads in town were looked by the BETA group, which inspected and rated all roads, sidewalks and signs in town. The average Road Service Rating score received

was 74 out of 100. The town then eliminated all roads that contain asbestos cement water pipes from the first two years of the plan to allow time to develop a replacement plan. They also deferred the signage and sidewalk components to 2013 and 2014.

There are two different funding options being explored for the remaining roads which will stabilize the ones in good condition and replace the worst ones. Both of these options assume that the meals tax and Chapter 90 funding remains constant for fifteen years, bonding costs will be no greater than 3.5% and construction costs will escalate 6.5% annually.

The first option is to bond a \$4.6 million program for 15 years which would dedicate the meals tax revenue to the bond and leave the Chapter 90 funds to be used annually. This option would get results in three years.

The second option is to annually bond \$1 million which would take longer to improve the Road Service Ratings.

Mr. Hill recommends the first option.

Mr. Sullivan asked what would happen if the state changes the meals tax formula.

There would still be a bond if the funding was changed. Mr. Scollins still needs to investigate both options. Mr. Hill just needs to know if the Board agrees with the concept tonight.

Ms. Coppola stated that other towns have been complaining to the state reps that they would like the meals tax funds distributed equally so smaller communities with fewer restaurants would receive more funds. She suggested that Mr. Hill check with Representative Barrows and Senator Timilty to see if anything is being proposed to amend the legislation.

The Board felt it was worth exploring and would be a way to get the roads in great shape within five years.

Special Town Meeting Warrant Article Review

Mr. Paicos stated that the purpose of this is to decide whether the proposed Warrant Articles are to be included in the Town Meeting Warrant or not. There will be no discussion on specific articles this evening. The Warrant closes this evening.

The Board reviewed the proposed Warrant Articles

A motion to include Articles 1, 2 and 3 was made by Ms. Brue and seconded by Ms. Walsh. **The motion carried 5-0-0.**

A motion to include Article 4 was made by Ms. Brue and seconded by Ms. Walsh. **The motion carried 5-0-0.**

A motion to include Article 5 was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 5-0-0.**

A motion to include Article 6 was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 4-0-0 with Mr. DeVellis abstaining.**

A motion to include Article 7 was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

A motion to include Article 8 was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

A motion to include Article 9 was made by Ms. Brue and seconded by Ms. Walsh. **The motion carried 5-0-0.**

A motion to include Article 10 was made by Ms. Brue and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

A motion to include Article 11 was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

A motion to include Article 12 was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

A motion to include Article 13 was made by Ms. Walsh and seconded by Ms. Copolla. **The motion carried 5-0-0.**

A motion to close the Warrant Article process for the December 11, 2012 Town Meeting was made by Ms. Walsh and seconded by Ms. Copolla. **The motion carried 5-0-0.**

Kraft Organization Negotiation Team

Dan Murphy came before the Board earlier this evening to request no action be taken on this team. The Board questioned if the zoning articles before the Planning Board were to be withdrawn also. Town Planner Sharon Wason wasn't sure if these articles were to be withdrawn at this point, but any discussions with the Planning Board would not involve the Board of Selectmen.

Mr. Paicos stated that a written opinion had been received from the Attorney General which reiterated what Town Counsel had advised the Board.

The Board stated that the door was open if they wanted to come back.

Action Items

The minute of October 2nd were reviewed.

A motion to approve the minutes of October 2, 2012 was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

Joseph Norman of Showcase Live has a request for the Showcase to remain open for an extra hour on New Year's Eve. The Board took no action on this item and will discuss it as part of their Liquor Violation Hearing on November 5th.

Kevin Davis and Maurice Barkachi have submitted applications to renew their Hackie Licenses to October 30, 2014.

A motion to approve the renewal of the Hackie Licenses for Kevin Davis and Maurice Barkachi to October 30, 2014 was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 5-0-0.**

The Foxborough Cultural Counsel has requested appointments of Sam Jaber, Julie Jaber and Lindy Chan to three year terms that will expire on October 30, 2015.

A motion to approve the appointment of Sam Jaber, Julie Jaber and Lindy Chan to three year terms on the Foxborough Cultural Counsel was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 5-0-0.**

There is a request from Mark VanDenBerghe to give the town 6,000 square feet of undevelopable land on Davis Avenue. Mr. Paicos advised the Board to take no action on this request. Other town departments can be asked if they would have a use for the land. It is near town conservation land. There is no policy on these types of requests.

A motion to take no action on the request of Mark VanDenBerghe to give the town 6,000 square feet of land on Davis Avenue was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 6-0-0.**

Firefighter Grievance Re: Non-payment of Detail Pay

This grievance is in regards to the Country Fest which was a two day event on a Friday and a Saturday. The payroll department needs to process paychecks on Monday to get them to the payroll service by their deadline. Having a two day event generates more paperwork that needs to be reviewed and processed by the deadline. As a result, the firefighters were only paid for one of the two days on the payroll following the event. Mr. Paicos has authorized payroll personnel to come in on Sunday or early on Monday to process two day event paperwork in the future with the intent to pay the detail pays within in a week.

Mr. Paicos read a letter explaining the procedure to be followed in the future.

Chief Hatfield explained that a flaw in the payroll codes has been corrected also which should help with the processing of the payroll.

A motion to approve the Grievance Settlement as drafted in the letter by the Town Manager was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

A motion to adjourn the meeting to enter into Executive Session and not return to regular session at 8:45 p.m. was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

Respectfully Submitted,

Diana Gray

Lorraine Brue, Clerk