

SELECTMEN'S MEETINGMINUTES
September 4, 2012

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

Others Present: Town Manager Kevin Paicos
Atty. Andrew Upton, Red Robin International
Fire Chief Roger Hatfield
Town Counsel Dick Gelerman

The meeting was brought to order at 7:00 p.m. by James DeVellis, Chairman. Chairman DeVellis reviewed the agenda.

7:00 p.m. – Citizen's Input

Bob Siteman of 30 Taylor Road and representative of the Veteran's Services Department would like to use the Common for the POW/MIA Remembrance Day on September 22nd at 4:45 p.m. There will not be a 24 hour vigil this year. There will be a ceremony with Rolling Thunder. The Board of Selectmen, town officials and the public is invited to attend.

Mr. Paicos stated that there is a new Form and Process for using the Common.

Chairman's Update:

Mr. DeVellis thanked the Jaycees (FCATV) for the Free Concerts on the Common, now in its second decade. He also thanked the local business sponsors.

The new school year begins tomorrow; Mr. DeVellis wished the School Committee and the School Department success in the upcoming year. The Board toured the renovations at the high school last week.

Mr. DeVellis expressed concern for the family of Christopher Knight, who was struck by a car while riding his bicycle on Baker Street recently.

The Board was invited to a presentation by Invensys last week which was very informative; they have submitted their final draft of the Class C-1 RAO. The public comment period ends on October 15, 2012. The Neponset Reservoir Committee has requested to come to a future Board meeting to give an update on the contamination in the Neponset Reservoir.

Upcoming agenda items include: Town Hall repairs, Veteran's pay, Healthcare changes per new state regulations, pavement management system update, FY14 budget goals.

The McGinty Family Fun Day will be held on Saturday from 11:30-3:30 on the Common. This day raises funds for the McGinty Memorial Scholarship fund.

The first Tuesday of the month from 10:00 a.m. – 12:00 p.m. and from 5:00 p.m. – 6:30 p.m. are office hours for the Board of Selectmen at the Town Hall.

Action Items:

The minutes of August 7, 2012 were reviewed.

A motion to accept the minutes of August 7, 2012 as written was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 4-0-1** with Ms. Coppola abstaining as she was not present at that meeting.

Recreation Director Debbie Giardino has a donation from ING for \$500 for volunteer hours.

A motion to accept the donation of \$500 from ING to the Recreation Department gift fund was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

There is an application for two one-day beer and wine license at Christina's for J. Polep Distributors Trade Show on September 17th and 18th.

A motion to approve the two one-day beer and wine licenses for J. Polep Distributors Trade Show to be held at Christina's on September 17, 2012 and September 18, 2012 was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

There is an application for a one-day all alcohol beverage license for the Orpheum Theatre on Saturday, September 8, 2012 for a music festival.

A motion to approve the one-day all alcohol license for the Orpheum Theatre on September 8, 2012 was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

There is an application for a two one-day beer and wine licenses for The Bridge Center who are holding a motorcycle run for Special Needs children at Fusion, 105 Washington Street on September 30, 2012.

A motion to approve the two one-day beer and wine licenses for The Bridge Center for the event to be held at 105 Washington Street was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

There is an application for a block party on Wednesday, September 5, 2012 from 1:00 p.m. to 10:00 p.m. on Glenwood Ave from Baker Street to 50 Railroad Ave. The Police and Fire Chief's have approved this request as long as emergency access is maintained.

A motion to approve the request for a neighborhood block party on Glenwood Ave from Baker Street to 50 Railroad Ave. on September 5, 2012 from 1:00 p.m. – 10:00 p.m. was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

There is a request to name a new road in Oak Farm Estates off of Oak Street Lincoln Hill Way. This name was approved by the Historical Commission.

A motion to approve the street name of Lincoln Hill Way was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

7:15 p.m. Public Hearing for New Officer/Director, Issuance of Stock, Transfer of Stock and New Stockholder of an Annual All Alcohol Restaurant License at the 99 Restaurant located at 4 Fisher Street

Ms. Brue read the Public Hearing notice.

The applicant has requested an extension.

A motion to continue the Public Hearing to September 18, 2012 was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

7:30 p.m. Public Hearing for New Officer/Director at Red Robin Restaurant at 290 Patriot Place

Ms. Brue read the Public Hearing notice.

Atty. Andrew Upton represented the applicant, Red Robin International.

This action is for a change of officer at the Corporate Headquarters in Colorado. The current treasurer, Christina Carlson is being replaced by Stuart Brown. There will be no changes to the local restaurant.

A motion to approve the Change of Officer for Red Robin International was made by Ms. Brue and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

Update on Fire Department Overtime Project

Fire Chief Roger Hatfield has been working on a study of the Fire Department's overtime to see if it would be better to hire more staff or pay the overtime to the current staff. Chief Hatfield has some detailed information and facts to share with the Board on staffing the fire station at 6 or 8.

Mr. Paicos reviewed his memo that compared Foxboro to other communities in Norfolk County. The average staff per capita in Norfolk County is 595 compared to Foxboro at 607, the avg. overtime in the county is \$501,000 compared to Foxboro at \$447,000.

The average for all communities is \$20.16 per capita while Foxboro is \$26.29, but if the two cities, Weymouth and Quincy, are removed from the average, it goes up to \$23.60.

The cost of staffing at 8 firefighters is \$54,000 per firefighter per year.

Mr. Paicos then reviewed the overtime analysis. On average the cost of a new hire would be more than the overtime currently paid.

A comparison was also done for Mutual Aid; it shows that the town is receiving more aid than provided.

The cost of shift swapping was also looked at. Swapping shifts should not be causing any overtime to be incurred.

Chief Hatfield noted that the three year average of budget versus actual is \$86,000 over budget. He has had personnel out for injuries, military, administrative leave and bereavement leave and feels that he is frugal with overtime.

Mr. Paicos reviewed his recommendations. He is not recommending a change to the current staff level which is 6. The current response time for an event is 3-4 minutes; if a second event occurs the response time is 4-5 minutes. The standard time recommended by the American Heart Association for defibrillator response time is 3-4 minutes. A reduction in staff would mean a longer response time.

Advisory Committee member Larry Thomas stated that the cost of four new firefighters would be \$400,000; the current cost of overtime is \$355,000.

Ms. Brue questioned if minimum staffing requirements should be established.

Mr. Sullivan is satisfied with current staffing.

Ms. Walsh noted that this was done for a direction on the budget, not to change personnel.

Mr. DeVellis thinks that the Chief should look at some of the recommendations.

Chief Hatfield stated that policy changes are being made and union negotiations will also have an impact.

Ms. Brue would like to see an overtime report showing where and why it is occurring.

Status Report on Negotiations with the Kraft Organization

The current round of meetings have concluded reported Ms. Walsh, they met several times and have now sent the individual items back to their respective boards. These meetings were a good starting point for discussions of their list versus the town's wishes.

The Kraft's presented ideas for more restaurants, such as a Mexican and Japanese restaurant, a bowling alley, residential housing and wind turbines. The topics of liquor licenses, the billboard signage and the funding of the Board of Water and Sewer's regionalization were discussed.

Ms. Coppola noted that the town should get the mitigation it deserves for the original 12 liquor licenses that were granted in 2007. The past licenses should be settled before the Board grants more.

Ms. Brue noted echoed her concerns that the initial mitigation that was offered in 2007 has not been realized.

The Billboard issues still need to be addressed in regards to rights and ownership.

Mr. DeVellis feels that the sewer concerns and the liquor licenses are the two most important issues. The town is in need of sewer, which is being brought up in the Master Plan meetings. The Board of Water and Sewer is working on a separate track to raise funds for the regional plant which won't cost the existing users and businesses that don't need sewer.

Special legislation is needed from the state to get any additional liquor licenses. The Board would like to hear from the Kraft's to explain the need for additional licenses.

Atty. Gelerman stated that a potential source of revenue for sewers could be the Kraft's but other ways to finance the project are also being looked at such as selling existing flow, pre-selling potential flow, etc.

Mr. Sullivan noted that negotiations have been ongoing for years and would like the town to use its own revenue stream instead of relying on the Kraft's.

Mr. DeVellis stated that the BWSC is working independently on Town Meeting articles and the Board needs to support them.

Any further negotiations will be held off until the Kraft's come to a future meeting for a presentation.

Continued Discussion on North Street Parking

Mr. DeVellis recused himself from this discussion as he lives in the area.

Mr. Sullivan took over the Chair.

Atty. Gelerman was present to explain the bylaw passed at Town Meeting.

He explained that the bylaw prohibits any parking on North Street for a fee and no further action is needed by the Board. The Board can create regulations if it wishes but is not obliged to.

Nancy Company of Messenger Avenue asked about the Attorney General's comment that the town passes a policy.

Atty. Gelerman has spoken with the AG and she stated that this was not a directive to the town.

The Building Commissioner and the Police Chief are aware of who has family and friends park in the area at it is up to their discretion if it's a violation or not.

A motion to adjourn the meeting to enter into Executive Session and not return to regular session at 8:55 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