

SELECTMEN'S MEETINGMINUTES
March 19, 2013

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

Others Present: Town Manager Kevin Paicos
Southeastern Regional School Business Manager Mark Morris
Regional School Committee member Steve Udden
Sue Thibedeau, Animal Control
David Seermon
Bill Yukna School Building Committee
School Superintendant Debra Spinelli

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

Mr. DeVellis called for a moment of silence for WWI veteran Robert Grahn, he was a resident of Foxboro who served in many town positions and was a thirty year Past President of the Historical Society.

Chairman's Update

There will be two meetings before the April election, Mr. DeVellis would like to have the Town Manager's review before the election. He asked Mr. Paicos to have a self-evaluation prepared for the April 2nd meeting and to have available quarterly reports and his goals and objectives. Board of Selectmen members will prepare draft evaluations also. This evaluation will be done in public session as it does not meet the criteria for Executive Session. The goals and objectives will be reviewed in May.

Mr. DeVellis met recently with the Moderator and members of the Advisory Committee to discuss Town Meeting processes; he would like another member of the Board to join them for their next meeting. Ms. Brue volunteered to join them.

The town is still working on a policy for reporting child abuse; Ms. Walsh and Ms. Brue submitted items on statue and a draft policy. Mr. Paicos stated that a draft policy will be distributed at this week's Department Head meeting.

Mr. DeVellis would like the Sheehan matter put on the April 2nd agenda for a one month update; this will be in Executive Session.

Lauren Bitar of the Medical Reserve Corp has put out a request for volunteers to join the Corp. There will be two classes on April 1st and April 8th to be held at the Pubic

Safety Building. Go to foxboroughcitizenscorp.org for more information or call the Board of Health.

Southeastern Regional Vocational Technical School Budget

The Board met with Business Manager Mark Morris and Regional School Committee member Steve Udden to review the FY 14 proposed budget.

Mr. Morris noted that enrolment is up at the school, but Foxboro has 7 less students than last year.

There are three parts to their budget, State Aid, Local Assessment and E & D (Excess & Deficiency) Funding. Mr. Morris noted that transportation is not 100% funded by the state so \$590,255 is passed on to the participating communities.

Foxboro's assessment is down \$76,678 from last year due to decreased enrolment.

The Board asked if there is a decline in applications from Foxboro. Mr. Udden explained that enrollment population goes up and down year to year. He also noted that since 2010, the cost of each student has increased \$700 per student.

Mr. Morris reviewed different savings programs included in the budget, including a new healthcare split for new employees of 65/35 instead of 70/30.

Mr. Paicos stated that the SE Regional District has a reputation as a cost efficient school system. They initiate innovative programs to save money.

The Board asked to be notified when the next open house will be held so that they may see the new addition.

Public Hearing - Sue Thibedeau, Animal Control - Bull Mastiff at 30 Fairway Lane

Ms. Brue read the Public Hearing notice.

Ms. Coppola noted that she has filed a disclosure notice with the Town Clerk as she is a resident of Fairway Lane.

Ms. Thibedeau reviewed the case. She was notified by Brigham and Woman's of a patient with a dog bite. Mr. Howard Siegal was bitten on the upper arm which resulted in two shallow puncture wounds and bruising. The dog is a Bull Mastiff named Rufus who is owned by David Seermon of 30 Fairway Lane.

Ms. Thibedeau stated that the dog had one previous incident in September 2011 when he got out of the yard. There are no Veterinarian warnings on Rufus.

Ms. Thibedeau visited the dog at his home and noted that he was mild and non-aggressive in his home. She feels that he is reactive when outside the home and recommends a muzzle when Rufus is off of his property.

Mr. Paicos stated that the Board needs to make a determination if the dog is dangerous and what should be done under the state statute.

Mr. Seermon was informed that he had the option of having Legal Counsel present and he stated he understood this.

Mr. Seermon is agreeable to muzzling his dog and also noted that he had one custom made for Rufus and now walks him with two collars and two leashes on him.

Ms. Thibideau also recommends a three foot leash with 300 pound strength.

Mr. Seermon noted that he walks the dog three times a day and feels he will be able to handle him with the muzzle.

The Board inquired if there were children in the home. Mr. Seermon does not have any children, but Rufus has been around his nieces and the occasional neighborhood child who comes to the door. He is not aggressive towards children.

Ms. Coppola noted that there are children in the neighborhood. Mr. Seermon stated that he tries to avoid the neighborhood children while walking Rufus by looking ahead and taking a different route when he sees them.

There were no public comments.

A motion to close the Public Hearing was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 5-0-0.**

A motion to deem Rufus a dangerous dog was made by Ms. Brue and seconded by Ms. Walsh. **The motion carried 5-0-0.**

A motion to recommend that when Rufus is removed from the premises by his owner, he be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length was made by Ms. Walsh and seconded by Ms. Brue. The motion carried 5-0-0.

Ms. Coppola asked if a letter had to be sent out to the neighborhood stated that the dog had been deemed dangerous. No notification is required.

Action Items

The Board reviewed the minutes of February 26th and March 5th.

A motion to approve the minutes of February 26, 2013 as amended was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

A motion to approve the minutes of March 5, 2013 as amended was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

Mass Electric and Verizon request permission to install a new support to a pole on Belcher Road.

A motion to allow National Grid to install a new guy P16-84 support to support P16 on Belcher Street was made by Mr. Sullivan and seconded by Ms. Brue. **The motion carried 5-0-0.**

Burrell School

The Board met with Bill Yukna of the Building Committee and School Superintendant Debra Spinelli on upgrades and repairs needed at the Burrell School.

Mr. Yukna explained that there are guidelines to be followed by the Mass School Building Authority to apply for funding for a project.

The Burrell school is forty-six years old and the town has done a good job of maintaining the building but there are issues with such things as the roof leaking, the windows are single paned and need to be replaced and the bathrooms are not ADA compliant. Mr. Yukna reviewed the complete list.

Ms. Spinelli noted that the school started having full time Kindergarten a few years ago and now has three full time K classes, this resulted in less space for other things such as a computer lab or an art room. They are also asking for an addition of two classrooms for the Pre-K program.

Ms. Spinelli stated that some required therapies such as Occupational Therapy and Physical Therapy are currently held in the hallway due to lack of space; this is a safety issue.

They are seeking the state 49% reimbursement and are asking to apply to the Mass School Building Authority for funding. Not all funding requests are satisfied each year, but this allows them to get on the list. The Board needs to vote to allow this project to go forward. They have hired an engineer with school funds.

The school is on septic but the work will not result in additional students; it is just reallocating space.

The Taylor School will also need to be done in the future.

Resident Dick Heydecker inquired whether seismic issues need to be addressed in the proposal and if this is included in the CIP budget. Mr. Yukna stated that it was only brought to CIP as an informational item; nothing has been applied for yet. There are no agreements with Kaestle Boos and the \$235,000 amount was just used as a placeholder.

The School Committee voted on this in the affirmative at their last meeting.

A motion to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 25th for the Burrell Elementary School located at 16 Morse Street which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future:

5. Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilating systems, to increase energy conservation and decrease energy related cost in a school facility.

- Roof system is in need of replacement as it has exceeded its expectant life and has developed continual leaks.
- Fire alarm system has exceeded its useful life and needs to be brought up to current code
- Single pane windows are approaching 46 years of age, are not energy efficient and many are inoperable. During severe winter temperatures it is hard to maintain 68 degrees due to the thermal heat loss from this aging window system.
- Replacement of original exterior store fronts, exit doors and classroom door to improve school security and reduce energy loss.
- Door hardware is all original and needs replacement to meet code and security concerns.
- Boiler and unit ventilators are original and based on service technician's review are at end of useful and serviceable life.
- Installation of energy management system to improve controls and efficiency.
- Lighting system upgrades for improved efficiency and program needs.
- Toilet rooms are all original and require renovation to meet current ADA and plumbing codes.
- Upgrade cafeteria kitchen design and equipment for functional and utility efficiencies.

7. Replacement of or addition to obsolete building in order to provide for a full range of programs consistent with state and approved local requirements.

- Addition of two Pre-K classrooms which will meet the EEC Physical Environment regulations. As the Pre-K program is a requirement which did not exist when the building was built 46 years ago the needs of this SPED program weren't designed into this facility or any other elementary building in the Town. The Burrell houses the full Pre-K program.
- Reallocate current building space for a full size computer lab and dedicated art/music program space. The computer lab which is currently only able to support half of a class at a time creates significant program issues as well as on-line testing constraints. The reduction in available

space was due to acceptance of the DOE full day kindergarten program which increased class room requirement from two to three.

- Full ADA upgrades, significant deficiencies exist in building access including gang and individual bathrooms.
- Upgrade of building electrical, fire alarm and emergency power support systems
- Door hardware is all original and needs replacement to meet code and security concerns.
- Hot water tanks are old and design requires operation of Boilers during warmer months to produce hot water.
- Asbestos abatement is required to facilitate further renovations.
- Gymnasium floor is original and needs replacement with hardwood surface.

And hereby further specifically acknowledges that by submitting this statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance of the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

Entertainment Licenses/Indemnification Agreements

Mr. Paicos stated that the concerts and soccer games at Gillette have indemnification agreements in place now; they have been signed and approved. Negotiations are still taking place for the insurance required; they will not be in place by the March 25th deadline. A motion is needed to license the five concerts acknowledging the indemnification agreement but still requiring insurance by June 30th.

A separate motion is required for the Revolution Soccer season as there will be new insurance coverage after June 30th. Their season was approved with no conditions.

Many negotiations have taken place and this action will allow everyone to move forward. The insurance options will be for either the Kraft's take out a policy or the town takes an endorsement on its policy. It would be better for the town if the Kraft's take out the policy because all town policies would be affected by any losses on its own policies.

A motion to modify the vote taken at the January 15, 2013 meeting of this Board to approve the applications for the following concerts at Gillette Stadium: Kenny Chesney (August 23 and 24, 2013), Taylor Swift (July 26 and 27, 2013), and Bon Jovi (July 20, 2013), by acknowledging satisfaction by the applicant of the condition requiring the execution of an Indemnification Agreement in a form satisfactory to and approved by this Board, and by Extending the second condition regarding obtaining liability insurance for such events insuring both the applicant and the Town in a form satisfactory to and approved by this Board, through and until July 1, 2013; all remaining conditions of said

application approvals remain in full force and effect was made by Ms. Brue and seconded by Mr. Sullivan. The motion carried 5-0-0.

A motion that the Board approves the application for Revolution 2013 Soccer Season and acknowledges satisfaction by the applicant of the condition requiring the execution of an Indemnification Agreement in the form attached hereto and approved by the Board; for soccer events occurring prior to June 30, 2013 the Board acknowledges that existing insurance coverage's together with the other conditions imposed herewith are acceptable, and for events to occur on or after July 1, 2013 conditions said licenses on the applicants obtaining liability insurance for such events insuring both the applicant and the Town in a form satisfactory to and to be approved by this Board was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

Racino Review Committee

The Board had asked for volunteers from the community to serve on a committee to evaluate the proposed racino in Plainville. The Board has received six applications from Stephanie Crimmons, Jack Martin, Traci Longa, Michael Davidson, Robert O'Rourke and Janet Kennedy and one more submitted today from Chris Mitchell.

Mr. Paicos distributed the purpose, goals and objectives of the committee.

The Board would like the committee to have the assistance of the department heads as needed through the Town Manager; this will be added as to the list.

Mr. Paicos will help the committee set up a Chairman, Vice Chairman and Clerk and then they will meet on their own.

A motion to approve the applications of Stephanie Crimmons, Jack Martin, Traci Longa, Michael Davidson, Robert O'Rourke, Janet Kennedy and Chris Mitchell to the Racino Proposal Review Committee was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

Resident Steve Yudden asked if the focus will be on the affects of gambling or the safety of the community. These items will be looked at.

Janet Kennedy stated that the Gaming Commission Laws are available online.

FY14 Operating Budget Approval

Mr. Scollins in not available this evening as he is attending a class.

Mr. Paicos stated that the General Fund Operating Revenues and Expenses is currently \$464,000 less than required; there are only twenty towns in the state in this position.

Any budget changes will be added to this budget before Town Meeting. The Board of Selectmen, Town Manager and Advisory Committee budgets need to be in agreement.

There was an addition of \$10,000 to the Board of Health budget for inspections at the Stadium. The fees collected for inspections at the stadium are too high; all the required yearly inspections are not being done due to time and personnel constraints. There are 157 venues at the stadium and the inspections are supposed to be done twice a year by one inspector. The additional \$10,000 is for an additional inspector.

The actual cost of the inspections will be figured and the rates adjusted to reflect these rates. The cost will be estimated this year and will be actual for next year. The stadium will make a lump sum payment.

The stadium paid \$38,500 for only 65 hours of inspections last year, they are agreeing to pay this amount again next year and will not be asking for any kind of a refund.

This will be presented to the Advisory Committee.

Ms. Coppola noted that the Human Resources expenses amount remains at \$34,675 and feels it should be reduced to \$24,700 to reflect the tuition reimbursement request that was withdrawn.

A motion to change the Human Resources expense account to \$24,700 from \$36,675 was made by Ms. Coppola and seconded by Ms. Brue for discussion.

Mr. Paicos stated that the Board had asked for training initiatives. He is proposing middle management training, customer service training and sex abuse awareness training.

The Human Resource Manager has withdrawn her request but she is still entitled to change her mind until the bylaw is changed. A change is required by the Board of Selectmen, the Advisory Committee and Town Meeting, so until it is changed the reimbursement is still a current right of the employee. Mr. Paicos recommends keeping this amount in the budget and that the request from the employee had not been formally withdrawn.

Ms. Coppola feels that since the request was withdrawn the employee is no longer eligible for the benefit as the deadline has passed. Mr. Paicos would like to be able to use the amount for additional training. Ms. Coppola stated that he could go to the Advisory Committee for additional funds.

The Board discussed whether votes on the budget could be delayed to April 2nd. Advisory Committee Chairman Larry Thomas stated that the middle of April would still be ok for his committee to have time to review the budget. Mr. Paicos stated that the Advisory Committee gave him a timeline and he is trying to follow it.

The motion carried 4-1-0 with Mr. DeVellis opposed.

Ms. Brue had questions on the Step system, merit increases and COLA.

This budget will be added to the April 2nd agenda.

Oak Street Property Legal Opinion

The Town Asset Review Committee recommended the lots on Oak Street be sold to raise money for the town. A potential sale could raise \$500,000 - \$750,000 for the town. Town Counsel has advised against the sale. Ms. Brue feels that an opinion from an Environmental Attorney is needed.

Mr. Paicos stated that he is sympathetic to the situation but there is an endangered species at the site which involves Natural Heritage involvement. They can have a say in how any development would occur. A Town Meeting vote would also be required for the sale if it was ever granted. The endangered species would have to be disclosed to any potential buyers.

Ms. Walsh doesn't want another situation where town boards are against each other.

Mr. DeVellis stated that Conservation is against selling the land.

Mr. Paicos stated that did not have time to update Ms. Brue on the results of the Conservation meeting before this item was discussed.

Annual Town Meeting Warrant Review

Mr. Paicos stated that the Warrant Articles have already been voted on; the Warrant just needs to be reviewed.

Mr. DeVellis wanted to discuss the TIF proposal being at the end of the warrant. A brief discussion was held and the order recommended as is.

Mr. Paicos stated that the TIF proposal recommendation is in draft form and it will then come to the Board of Selectmen. If it is approved it will then go to Advisory and if they vote yes it will go to Town Meeting.

The Board could have a special meeting next Tues if the recommendation is complete by Friday.

A motion to approve the Warrant for the Annual Town Meeting of May 13, 2013 as presented was made by Ms. Walsh and seconded by Ms. Brue. **The motion carried 5-0-0.**

Action Items

Chief O'Leary is requesting acceptance of a \$5,000 grant which has been received from the Commonwealth's Strategy for Underage Alcohol Enforcement.

A motion to accept the \$5,000 grant with thanks to Sgt. Noonan was made by Ms. Walsh and seconded by Ms. Brue. The motion carried 5-0-0.

A new Hackie License has been received from Kevin McKenney. The application has been approved by the Police Chief.

A motion to approve the new Hackie License for Kevin McKenney was made by Ms. Walsh and seconded by Ms. Brue. The motion carried 5-0-0.

A request has been received from Steven Firestein to declare April 21 - April 27, 2013 as Childhood Cancer Awareness Week in Foxboro.

Ms. Brue read the proclamation.

A motion to approve the request to declare April 21, 2013 - April 27, 2013 as Childhood Cancer Awareness Week in Foxboro was made by Mr. Sullivan and seconded by Ms. Walsh. **The motion carried 5-0-0.**

A motion to adjourn the meeting to enter into Executive Session and not return to regular session at 10:00 p.m. was made by Ms. Walsh and seconded by Mr. Sullivan. **The motion carried 5-0-0.**

Respectfully Submitted,

Diana Gray

Lorraine A. Brue, Clerk