

TOWN OF FOXBOROUGH  
SELECTMEN'S MEETING  
MINUTES  
OCTOBER 28, 2014

Members Present: Lorraine A. Brue, Chairman  
John R. Gray, Vice Chairman  
Virginia M. Coppola, Clerk  
James J. DeVellis  
David S. Feldman

Others Present: William G. Keegan, Jr., Town Manager  
Ms. Mary Beth Bernard, Assistant Town Manager  
Mr. Robert Siteman, Chairman, Veterans Advisory Committee

The meeting was brought to order at 7:00pm by Chairman Lorraine Brue.

Ms. Brue reviewed the agenda.

**7:00pm – Citizen's Input – Mr. Robert Siteman, Chairman, Foxborough Veteran's Services Advisory Committee**

Mr. Siteman came before the Board informing them that November 11, 2014 is Veteran's Day and he wanted to extend an invitation to the Board as well as Mr. Keegan and Ms. Bernard to attend the Veteran's Day activities.

Michael Johns the Veteran's Services Director will be the keynote speaker. The Foxborough Serenading Seniors will also be performing at the ceremony.

They are looking forward to a good turnout and hoping everyone will come out and support the Veterans of Foxborough.

The festivities start at 11:00am at the High School Auditorium on November 11, 2014. After the event in the High School Cafeteria there will be refreshments served courtesy of the Doolittle Home.

Ms. Brue stated that John Gray will be speaking on behalf of the Board.

Mr. Siteman also asked Mr. Keegan if he would also speak.

**7:05pm – Selectmen's Update** –Mr. DeVellis wanted to inform everyone that on Thanksgiving Day when Mansfield and Foxborough football teams play each other they invite all of the Veterans that want to sign up or come to us to receive a free turkey which they will receive the weekend before Thanksgiving.

They want to encourage the Veterans and their families to attend the Thanksgiving football game.

Last year they set up a VIP tent which allowed the Veterans and their families to go right to the end zone and watch the game from there.

If anyone wants to help pass out turkeys or make cards feel free to E-Mail Mr. DeVellis or give him a call.

Mr. DeVellis will put something in the paper on Thursday with contact information.

Anyone wishing to make a donation you can make the check out to:

The Foxborough Touchdown Club  
P. O. Box 465  
Foxborough, MA 02035

100% of all donations go to the Foxborough Touchdown Club to buy the turkeys.

No one will be turned away. They ask people to sign up beforehand by E-Mail but if you show up the day of the game they will fit you in.

### **7:10pm – Action Items**

Motion made by Virginia Coppola to approve a \$25 donation to the Boyden Library from the Swedish Research Ancestry Association. Seconded by John Gray. **Vote 5-0-0**

Motion made by Virginia Coppola to approve the reappointed of David Kaveny, Venna Carroll, Julie Pritchard and Maria Rosario Kaveny for terms expiring October 28, 2017. Seconded by John Gray. **Vote 5-0-0**

Motion made by Virginia Coppola to approve the BOS Minutes of October 14, 2014 as amended. Seconded by John Gray. **Vote 5-0-0**

### **7:15pm – MIAA – MIAA Superbowl Request for Fee Waiver - Canceled**

Mr. Keegan stated he received notification today that MIAA has opted to withdraw their request at this time.

They did not communicate their reasoning. Mr. Keegan spoke with them last week and indicated to them that he had read all the background information. The determination from the Department of Revenue indicated in their City and State Opinions that this would not qualify as something the Board could waive.

MIAA does not qualify as a public controlled charity and as a result they are not eligible for the town to waive the fees.

The language of the lease with the Stadium only allows the Board to waive fees for charitable organizations. MIAA would not qualify in this instance as there are private entities that serve on their Board.

Mr. DeVellis asked if the Board could get a copy of the Department of Revenue's City and State Opinions.

When Mr. DeVellis went back through the records he had seen the provision in the lease but at that time they had reached out to the DeRensis Law Firm and asked their opinion. Attorney DeRensis sent an E-Mail to Mr. Scollins back in 2011 that said their law firm reached out to the Department of Revenue and the Department of Revenue responded back that there was no precedence on this so they were silent.

They basically stated that the Board could or couldn't do it and there is no decision.

Mr. DeVellis thinks it is important to understand that if that is the case if and when this comes up again with a different nonprofit charity group that may ask the Board doesn't want to try and figure it out later.

A lengthy discussion ensued in regard to the law on public charities vs. non-public charities.

### **7:20pm – Selectmen's Association Meeting**

Ms. Coppola stated that on Saturday at the Tri-County Vocational Technical School in Franklin they had an annual Selectmen's Conference.

Ms. Coppola gave the Board a summary of the events mentioning that Mr. Keegan was a speaker at one of the sessions in regard to town charters.

Mr. Keegan gave the Board a summary of his speech as well as explaining that he has served on the Massachusetts Managers Formal Government Committee for the past ten years.

### **7:25pm – Special Town Meeting Warrant Article – Town Hall Project – William Keegan/ David Feldman**

Mr. Keegan stated that they went out for RFP for two (2) major issues of this article:

1. Hiring architect who would be responsible for designing a new town hall.
2. Hiring an Overall Project Manager (OPM)

There was a subcommittee that interviewed the candidates.

The group interviewed four (4) architects and four (4) OPM's after narrowing the field.

The final result of that process was they chose the firm of LLB (they were the design architects for the Library).

Mr. Keegan explained to the Board the reasoning behind selecting LLB and that the town hall will be a colonial design.

The second part of the project was the OPM. The committee chose Vertex. The town also had experience with them at the very end of the library project. Mr. Yukna thought their work was very well done.

Mr. Keegan explained to the Board the reasoning behind selecting Vertex as the OPM.

The committee then went through the negotiation phase and Mr. Keegan is pleased to report that they had estimated this project to come in at about \$550,000. The actual price that they are going to submit to town meeting is \$557,585. This is just a 1% difference than what they estimated overall. This price is for both services.

Mr. Keegan credited Bill Yukna for getting that price for both services.

That is the recommendation before the Board for that article. They will be recommending that number for funding at town meeting. Mr. Scollins indicated to Mr. Keegan that he is finalizing those pieces of that and will have that ready for town meeting.

They are meeting with Ad Com tomorrow night and will be making that same presentation.

Motion made by Virginia Coppola to support Article 3 in regard to the town hall plans.  
Seconded by David Feldman.

### **Discussion**

Mr. DeVellis stated he has worked with LLB for about 15 years. Their design is impeccable. Very seldom does he see a project that they are working on go into override or the expenses go more than what they estimated at the beginning.

### **Vote 5-0-0**

### **7:35pm – Town Hall Working Group – David Feldman**

Mr. Feldman stated that this Thursday evening, October 30, 2014 at 7:00pm at the Foxborough High School Media Center they will be having their final Working Group meeting that is open to the public.

This will be an opportunity for people to come in and ask specific questions and get very specific answers.

Now that the group has their costs they can discuss those costs with the residents.

Mr. Feldman doesn't believe that anyone can say that the group did not do their homework in developing this strategy.

Mr. Feldman was very proud to be a part of the Working Group because he knows the work that everyone put into it. There was a lot of debate and he believes at the end of the day they might be spending a little more money as opposed to a renovation but people have to understand it is not apples to apples, it is apples to oranges.

At the start it was 1,600 square feet. He doesn't believe that we want to be at a point 3-4 years from now that we are out of space at town hall. It is money well spent.

#### **7:40pm – Town Manager's Update – William G. Keegan, Jr.**

Mr. Keegan stated that he has been working with the Board of Health on regulations for the trash program. It is something that the town doesn't have so they are looking to establish regulations.

To the credit of the Board of Health they had information obtained from other communities.

Mr. Keegan would like to establish a subcommittee made up of a member from the Board of Health and perhaps a member of the Board of Selectmen and several staff members who would like to work on this.

The town's trash contract is up in June of next year and Mr. Keegan would like to come up with a solution as he knows there were a lot of challenges to the last process and he would like to smooth that out this time.

Mr. Gray asked why the town needed to go down that road when private vendors can compete amongst themselves.

Mr. Keegan stated that the issue is that the town doesn't have any sort of regulations that holds a standard for every one of the vendors in town. There are safety issues that they should be looking at.

Mr. Gray stated that he understands having a standard in which they have to comply.

Mr. Gray stated that the primary vendor is without a contract and everything is working fine.

Mr. Keegan stated that we might end up in that situation but what the town has to be cognizant of is that the contractor that does have the contract currently is also picking up town trash. We may have to contract with someone to provide that service for us.

Mr. Keegan stated that he likes how it is running now but by the same token there should be a consistency that any vendor has to comply with.

Mr. DeVellis stated that AJ Dooley has worked very hard over the last couple of years and built his business in Foxborough on top of a debacle that the town had a good share of responsibility in creating. He built his business, he invested and employs people from town. If we are going to do anything that is going to change the regulations and contract that is going to put him at a disadvantage I think you need to reach out to him sooner rather than later.

Mr. DeVellis saw what happened last year with the Board of Health being stricter with regulations than the state has.

The Board of Health is also looking to pass septic regulations past state regulations. If we don't need to regulate, fair market will find its niche.

Ms. Coppola stated that she knows some towns limit their trash pick up to one entity and she doesn't think that is what the town is looking for.

The town is looking for competitive pricing.

Mr. Keegan stated that there are nineteen (19) companies that are licensed to collect trash in this community.

Mr. Gray stated that for residential curbside there are really only two (2) companies.

Mr. Keegan stated that there are a few more than that but the primary contractors is Russell Disposal and AJ Dooley.

Mr. Keegan stated that the contract is expiring and there is nothing that is in place that he can use as a standard.

Ms. Brue asked what the timeline is that Mr. Keegan is looking at for a volunteer.

Mr. Keegan stated he is looking at just a couple of months. Mr. Keegan would like this issue resolved by March 1, 2014.

Ms. Brue stated that if anyone on the Board wanted to volunteer they can send an E-Mail to Mr. Keegan.

Mr. Keegan and Ms. Bernard welcomed a new business to Foxborough today. Toshiba Office Solutions opened their new offices on Hampshire Street. They relocated their business from Lincoln, RI and some of our local Foxborough residents are working at that facility.

Mr. Keegan has still not heard anything from the MBTA on the hearing for the train issue.

Mr. Keegan's understanding is that they are still trying to brief the State Representative and State Senator on this but their meeting was canceled. Their process is that they will advise the State Representative and State Senator first and then advise the Board.

Ms. Bernard stated that they did reinvigorate the Personnel Wage Board this week and had a wonderful meeting on Wednesday. Three of the members attended along with Ms. Bernard, Mr. Keegan and Mr. Scollins.

That Board hadn't met in over a year and a half so Mr. Scollins gave a history of how our compensation plan and by-laws have changed over the years and some of the studies that have been done.

Everyone was in a very like mind that we think there needs to be a compensation review of not only our by-law but our compensation plans.

We want to pay people the market rate but we also want to have internal equity and apply it in a fair way and a sustainable pay plan that Mr. Scollins can budget for.

The meeting was very productive. The group is going to meet on a regular basis and would like to review and revise the by-law for preparation of the annual town meeting. They will try to convene on either Mondays or Wednesdays at a 5:30pm.

After talking with employees we have engaged in contract negotiations and we just feel that there has been a lot of transition and misunderstandings with compensation.

There is an opening on that Board if anyone is interested.

Mr. Keegan stated that at one point they were empowered with a much heavier role until the charter was changed and some authority was taken from them and put under the guise of the Town Manager Act.

Mr. Keegan still views them as having an important role in the organization because they can bounce ideas off of them which will help them in guiding some of the policy work that needs to be done.

Mr. Keegan doesn't like creating policy without having feedback to what kind of direction we are taking.

Ms. Bernard has engaged in meetings with some of our vendors. She has met with MIIA on the senior retiree plans and for those people that are on retiree plans with the town they are looking at some lower cost options coming up and maybe a new plan that might be an added option.

Ms. Bernard has also met with the unemployment and worker's compensation vendors. The town has two very good policies in place but one of the things that seems to have been lacking was communication and roll out of how to actually work the process and procedures.

The MMA has their annual Labor Relations Conference on Friday on Creative Ways to Engage in Collective Bargaining.

Ms. Brue wanted to thank Mr. Keegan and Mr. Feldman on all the hard work they have done on the town hall project in getting ready for the town meeting it was a great accomplishment.

Motion made by James DeVellis to adjourn at 7:55pm. Seconded by John Gray. **Vote 5-0-0**

Respectfully Submitted,

Debra A. Jarvis