

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
EXECUTIVE SESSION MINUTES
May 29, 2013

Members Present: Mark Sullivan, Chairman
Lorraine Brue, Vice Chairman
John Gray, Clerk
Ginny Coppola
James DeVellis

Others Present: Labor Counsel Leo Peloquin

Documents: Addendum to Town Manager Contract
Public Statement

A motion to enter into Executive Session to discuss strategy with respect to Negotiations with Non-Union Personnel, Town Manager Contract and Fire Chief Contract was approved by role call vote, J. Gray – yes, G. Coppola – yes, L. Brue – yes. M. Sullivan – yes, J. DeVellis – yes at 7:35 p.m.

Atty. Peloquin has been in contact with Atty. Hennegan who is Mr. Paicos Counsel. He has stated that Mr. Paicos would like to avoid the non-renewal vote by adding an agreement/addendum to his contract indicating that the contract renewal provision is waived. Mr. Paicos is willing to stay as long or as short as the Board wants but he wants the remaining pay called for by the Contract.

Atty. Peloquin reminded the Board that he is entitled to six months severance pay under the Contract.

Mr. DeVellis would like to explore the possibility of keeping him on for the last year of his contract.

Ms. Coppola asked if he would still get paid by the town if he finds another position. Atty. Peloquin said that he would get paid.

Mr. Sullivan would prefer to move forward and start anew. He feels that the morale in town hall will improve if a clean break is made. He cannot be concerned with the memo received from the Board of Water and Sewer Commissioners; those issues have been going on for years and will continue to go on with or without the current Town Manager.

Atty. Peloquin stated that Mr. Paicos could be asked to not provide services unless for a specific assignment, such as court testimony.

Ms. Brue feels that this is a good sign from Mr. Paicos. She likes the idea of a transition period and believes Mr. Paicos would handle it professionally. He did accomplish a lot of things for the town such as the insurance and indemnification agreement with the Patriots, and has been very helpful and knowledgeable with the Board of Water and Sewer Commission and the IMA agreement. There have been both positives and negatives but feels there were more positives. There will always be issues between management and employees.

Ms. Coppola stated that trying to push through a higher step for the Veteran's Agent is just the latest example of issues with Mr. Paicos; she also feels that the Crossroads District's failure is another.

Mr. Gray stated that he is glad there is a resolution but in his experience with executives it is better the person's last day be the day they are told they are being let go or it can have a negative effect on other employees. It would be in the best interest of Foxboro to do this; an Interim Manager can be hired. He feels that Mr. Paicos would not have interest in town affairs anymore.

The Town Clerk is the Interim Town Manager while Mr. Paicos is away for the next couple of weeks. A continuity plan can be the subject of a future meeting.

Atty. Peloquin stated that an agreement will need to be negotiated; the one year's pay is leverage for negotiations. The Agreement/Addendum waives the non-renewal notice and saves the Board from having to state reasons why the contract is not being renewed in Open Session.

The addendum would mean Mr. Paicos is not seeking a renewal, the town is not offering a renewal and Mr. Paicos will voluntarily retire at the end of the contract. Then, an agreement can be negotiated between Atty. Peloquin and Mr. Paicos counsel.

A motion to accept the agreement/addendum as to non-renewal provision of Mr. Paicos as written by Town Counsel and signed by Mr. Paicos and to authorize Mr. Sullivan to sign on behalf of the Board was made by Mr. Gray and seconded by Ms. Brue. The motion carried by role call vote, J. Gray – yes, G. Coppola – yes, L. Brue – yes. M. Sullivan – yes, J. DeVellis - yes.

A motion to issue a statement stating that the Foxboro Board of Selectmen and Town Manager Kevin Paicos have mutually agreed not to pursue a contract for Mr. Paicos to serve as Foxboro Town Manager beyond June 30, 2014 was made by Mr. Gray and seconded by Ms. Brue. The motion carried by role call vote, J. Gray – yes, G. Coppola – yes, L. Brue – yes. M. Sullivan – yes, J. DeVellis - yes.

The Board discussed whether or not he should be working for the last year of the contract. Ms. Brue feels that the town should be getting work out of him while he is being paid.

A motion to authorize Counsel to negotiate with Counsel or Kevin Paicos an agreement under which his employment as Town Manager will end as soon as possible, with a full release to the town and further authorize Counsel to offer Mr. Paicos compensation that does not exceed what he is due under his current employment agreement was made by Mr. Gray and seconded by Ms. Coppola and carried 4-1-0 by role call vote, J. Gray – yes, G. Coppola – yes, M. Sullivan – yes, J. DeVellis – yes, L. Brue – no.

Fire Chief Contract

In regards to the Fire Chief's contract, Chief Hatfield has stated that he is registered to vote in town and he uses his town vehicle to travel to Norwell and then parks it and uses his personal vehicle so it will be available in emergencies. He also stated that he has a leased apartment in town.

Atty. Peloquin suggested that a resolution to the vehicle provision would be that he be allowed to drive to Norwell on Friday and Saturdays and park the car, and leave the fifteen mile provision for everything else.

A motion to amend the Fire Chief's contract to allow limited travel to Norwell was made by Mr. Gray and seconded by Ms. Brue. The motion carried by role call vote J. Gray – yes, G. Coppola – yes, L. Brue – yes. M. Sullivan – yes, J. DeVellis - yes.

A motion to adjourn the Executive Session at 9:20 p.m. and to return to regular session was made by Mr. Gray and seconded by Ms. Brue. The motion carried by role call vote, J. Gray – yes, G. Coppola – yes, L. Brue – yes. M. Sullivan – yes, J. DeVellis - yes.

Respectfully Submitted,

Diana Gray