

TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
EXECUTIVE SESSION MINUTES
July 9, 2013

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

Others Present: Acting Town Manager Bob Cutler
Finance Officer Randy Scollins
Police Chief Ed O'Leary
Atty. Austin Joyce
Labor Counsel Leo Peloquin

Documents: Chief Hatfield Contract
Draft Town Manager Agreement

A motion to enter into Executive Session to discuss conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel for Fire Chief Roger Hatfield, Deputy Police Chief John Chandler and Town Manager Kevin Paicos was approved by role call vote, J. Gray – yes, G. Coppola – yes, L. Brue – yes. M. Sullivan – yes, J. DeVellis – yes at 9:07 p.m.

Finance Director Randy Scollins asked to make a statement to the Board. This is in regards to Mr. Paicos absence. He is concerned about the impacts this will have to the town's taxpayers. With his continued extended absence there are initiatives that are not getting done. Items such as the purchase and sale of sewer flow, billboard signage negotiations, health insurance funds and monthly loss control meetings are not happening. Strong leadership is needed for these initiatives to keep going. The New Town Hall was supposed to be on the fall Town Meeting Warrant. Mr. Scollins is concerned but will support the Board of Selectmen. He just wants the Board to know that this could leave a bad taste in the community.

[REDACTED]

Att. Peloquin distributed a revised copy of the Fire Chief Hatfield's contract with the changes to the vehicle and cell phone as requested by the Board. Chief Hatfield has signed the contract and is not available this week as he is on vacation. The vehicle will be allowed to be taken out of town on weekends only.

A motion that the Board accepts the terms of the agreement and new contract with Fire Chief Roger Hatfield for a three year contract from January 1, 2014 to December 30, 2016 was made by Mr. Gray and seconded by Mr. Sullivan.

Ms. Brue has issues with the distance of the Chief's weekend residence from Foxboro. Ms. Coppola shares the same concerns.

The motion carried 3-2 with Ms. Brue and Ms. Coppola against.

This motion and vote will need to be made in open session also.

The Board then discussed the Town Manager's proposed agreement.

There is a provision for a six month lump sum termination payment buyout in his current contract. Exercising it would mean long and costly litigation between the Town and Mr. Paicos. An Agreement would have a release running in favor of the Town.

He has also asked for payment of his attorney fees in the amount of \$6,000. The Board will not be agreeable to that request.

Mr. Gray asked about the initiatives that Mr. Scollins talked about tonight. Mr. Cutler stated that a priority list has been prepared. Ms. Brue asked about the solar initiative and the need to access Mr. Paicos for some of these issues; a transition is needed.

Mr. Gray stated that some loss is to be expected, other items may have a time delay but will not be extinguished. The Interim Town Manager should be able to contact Mr. Paicos as needed.

Atty. Peloquin stated the other items Mr. Paicos is looking for: five weeks vacation, health insurance, life insurance premium payment in the amount of \$3,100, payment of attendance at the ICMA conference, car payment, cellphone and notebook computer.

The Board would need an invoice before payment of the life insurance and sees no value to the town to pay Mr. Paicos to attend the conference. Mr. Paicos could receive a mileage allowance if he has to travel on behalf of the town but not a car allowance. The Board requested Mr. Cutler to make sure Mr. Paicos access to the Town Hall server is shut off.

Atty. Peloquin reviewed what he would put in the agreement: one year's pay and health insurance, five weeks vacation, payment of the life insurance premium with an invoice, mileage if required, cell phone use, notebook computer use until the end of September.

A motion to authorize Atty. Peloquin to present a final offer to Kevin Paicos and if it is not accepted by the July 11, 2013 Executive Session meeting the Board will exercise their rights to terminate the current contract was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0 by role call vote, J. Gray – yes, G. Coppola – yes, L. Brue – yes. M. Sullivan – yes, J. DeVellis – yes.

Mr. Cutler stated that the prioritization list prepared was a team effort by the department heads involved.

The Board discussed an Interim Town Manager. Initially, Andy Gala was approached to be the Interim Town Manager. Mr. DeVellis suggested instead that Mr. Gala could be brought in as a Consultant to help Mr. Cutler. Mr. Brue objected because there would be an additional position needed to back fill Bob's position in the Town Clerk's office. Andy is an experienced Town Manager who could hit the ground running. There was discussion about whether Mr. Gala could do that given the amount of time since his retirement.

Atty. Peloquin will work with the Board to prepare an agreement for the Interim Town Manager retroactive to when he is appointed.

The recruitment process for a new Town Manager will need to be discussed.

A motion to adjourn the Executive Session at 11:18 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