

TOWN OF FOXBOROUGH  
SELECTMEN'S MEETING  
MINUTES  
July 23, 2013

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

Others Present: Acting Town Manager Bob Cutler  
**Labor** Counsel Leo Peloquin

Documents: Draft Agreement with Town Manager

A motion to enter into Executive Session to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel: Town Manager Kevin Paicos, Interim Town Manager was approved by role call vote, J. Gray – yes, G. Coppola – yes, L. Brue – yes. M. Sullivan – yes, J. DeVellis – yes at 7:52 p.m.

Atty. Peloquin stated that he has received a response from Atty. Hennigan. He agrees that Mr. Paicos request for legal bills should not be in the agreement. He is also agreeable to a joint statement being released when the agreement is finalized.

The Draft Agreement prepared amends the Employment Contract and there are no contract provisions that apply unless noted in this agreement. The Board asked about the wording resign vs. retire. A draft joint statement has not been sent to Atty. Hennigan yet. The Board members can send and comments or concerns about this agreement or the statement to Atty. Peloquin.

There are a few non-substantive language edits that need to be made before the agreement can be finalized. Atty. Peloquin feels the agreement can be finalized by the end of the week after which there is a seven day rescind period to make the age discrimination release effective.

A motion to authorize Counsel to offer the document presented tonight as a final agreement except for non-substantive language for creditable service and subject to being finalized by Friday, July 26, 2013 was made by Mr. Gray and seconded by Ms. Brue. The motion carried 5-0-0 by role call vote: J. DeVellis - yes, G. Coppola - yes, L. Brue - yes, J. Gray - yes, M. Sullivan - yes.

Vote on the Agreement will need to be taken in open session once there is a final agreement.

In regards to the Interim Town Manager, Mr. Sullivan stated that he met with Mr. Cutler and Human Resources Manager Ms. DePina in regards to having Mr. Cutler continue as Interim Town Manager, an adjustment would need to be made to his salary. Ms. Brue has talked to Andy Gala about coming in as a consultant. Mr. Gala stated that he would be willing to come three days per week at \$100 per hour. Another option would be to hire a company to find an Interim for approximately the same cost. This would be for a 26 week period.

There will be a cost for the recruitment of a new Town Manager also.

The Board discussed which option would be the best at this time. Mr. Gala could be hired as a consultant and work with Mr. Cutler and Mr. Scollins or an outside firm. Ms. Coppola feels that an applicant cannot be the acting Town Manager.

Mr. Cutler stated that there are things that need to be done such as contract negotiations and the implementation of the Merit System, he has been working with Ms. DePina on a plan. He feels that a part time manager would not be able to accomplish priority items. There is also the morale of the employees, someone is needed to calm things down.

Mr. Cutler is not 100% sure he will put his name in for the permanent position. He needs to consider his options.

Atty. Peloquin stated that a vote will be needed after the agreement is signed with Mr. Paicos, as there will be no Town Manager at that point. This could start the 180 day period for an Interim Town Manager.

Mr. Cutler then left the meeting.

Ms. Brue feels that since Mr. Cutler is not sure whether he wants the position is not, he is not a viable candidate. There are personnel issues that need to be addressed and the recruitment process should be started immediately.

Mr. Gray asked if the recruitment pool last time were all Town Managers. He would like to see the pool expanded to include executives from the private sector.

Ms. Coppola would like to let things settle for awhile and has no problem keeping Mr. Cutler as Interim if he is not interested in the position permanently.

Mr. DeVellis feels that there are benefits to having Mr. Cutler as he has a calming effect on the employees, there are many new initiatives that haven't gotten started due to Mr. Paicos abrupt departure such as the department heads pay plan, the recent flooding of Town Hall. He would like to see Mr. Cutler in the position until at least the fall Town Meeting. He feels that having the Town Clerk in the position will not preclude interested candidates.

Mr. Cutler has skills as a attorney and a business owner and is non-political. He has institutional knowledge and will offer continuity. He suggests giving Mr. Cutler thirty days to decide if will be a candidate or not.

The Board discussed whether it would be an issue of Mr. Cutler dealing with sensitive personnel issues and then returning to Town Clerk duties. A discussion showed a majority of the Board is confident in Mr. Cutler.

Mr. DeVellis feels that if an outside firm is brought in, it would take too long to bring them up to speed. Ms. Brue feels that it would not take that long to bring an outside firm up to speed.

Atty. Peloquin noted that the minimum Town Manager contract that can be offered under the Town Manager Act is three years.

Mr. Cutler returned to the meeting. He stated that he would need additional time to figure out if he wanted to pursue the permanent Town Manager position; he needs more information to make a decision. Ms. Brue said she felt that the process needs to be started now. Most of the Board is willing to wait for Mr. Cutler's decision.

The Board inquired about the handling of sensitive personnel issues. Mr. Cutler stated that since he is an attorney, he understands the need for confidentiality and any information he receives will not affect how he treats people.

Mr. Cutler stated that he is from town and loves his job and the town, he wants what is best for the town but he hasn't seen all aspects of the Town Manager job yet.

The Board offered to appoint him to the Acting Town Manager position for a period of three months. Mr. Cutler is agreeable to that.

Atty. Peloquin advised that this be from when he was appointed at the end of June, so the three months will go until September 23, 2013. Mr. Cutler can make his decision then as to whether or not he will be a candidate for the permanent position.

Mr. Cutler will meet with Ms. DePina and Mr. Sullivan to figure out the logistics of getting extra help in the Clerk's office and the adjustment to Mr. Cutler's salary.

A motion to return to regular session was made at 10:17 p.m. The motion carried 5-0-0 by role call vote: J. DeVellis - yes, G. Coppola - yes, L. Brue - yes, J. Gray - yes, M. Sullivan - yes.

Respectfully Submitted,

Diana Gray