

Foxborough, Massachusetts

40 South Street, Foxborough, MA 02035

BOS Meeting Minutes 1/27/2009

SELECTMEN'S MEETING MINUTES

January 27, 2009

Members Present: Mark Sullivan, Chairman

Paul Feeney, Vice Chairman

Lynda Walsh, Clerk

Jim Thrasher

Paul Mortenson

Others Present: Andy Gala, Town Manager

Taylor Ford, 33 Putnam Road

Fire Chief Roger Hatfield

Lynn Foell, Cable Advisory Committee

Harold Donnelly, Jr., Gary Nash, Matthew Shea,

Mike Webber, FCA

The meeting was brought to order at

7:00 p.m. by Mark Sullivan, Chairman.

7:00 – Citizens Input – Taylor Ford, 33 Putnam Rd., came before the Board to make a donation to the Town of 8 16" x 20" framed posters of pictures that he has taken of various sights in Foxborough. Mr. Ford said he would like to donate these framed collages to the Town for display in various Town buildings. He feels these would be of historical value to the Town in the future. The posters are collages of Memorial Hall, Foxboro State Hospital Cemetery, the Doolittle Home, Public Safety Building, St. Mary's Cemetery, the Paine School and Redevelopment of the State Hospital property. The Board gratefully accepted the donation. Andy Gala said they could be stored at the Town Hall until a suitable display location could be found.

7:05 – Pin Ceremony – Fire Chief Roger Hatfield – Bob Cutler, Town Clerk, conducted the Swearing In Ceremony of the new Foxborough Fire Chief Roger Hatfield. Members of Chief Hatfield's family were present as were many members of the Fire Department and retired Chief Gerald F. McNamara. Mrs. Hatfield pinned the Chief's badge on his uniform. The Chief acknowledged the presence of the Fire Chief of Milford, N.H. and the Fire Chief of Hudson, N.H. He gave a brief acceptance speech in which he said he was thankful to be given the opportunity to serve the Town of Foxborough. He thanked those who had been helpful in the last two weeks. He said he "couldn't have done it without the help of Chief McNamara." He thanked Andy Gala and members of the Board individually.

7:10 – Cable Advisory Committee – Lynn Foell, Chairman, came before the Board to give an update on the status of contract negotiations with Comcast and Verizon. Paul Feeney and Mark Sullivan recused themselves from these discussions. Jim Thrasher expressed concerns about the status of negotiations and whether the present By-Law was creating an obstacle in contract negotiations with Comcast. The present By-Law was not in effect at the time of the original contract with Comcast. Andy Gala explained that Town Counsel has been dealing with Verizon since December. Lynn Foell said he had a good meeting with Comcast; “they understand that the By-Law has been on the books for eight years.” He said it is not the role of the Cable Advisory Committee to enforce the By-Laws of the Town. Lynn said he had assured David Green, Comcast, that whatever applies to one cable company applies to all and that they would be on a “level playing field” in these negotiations. Lynn said he feels they have made “some progress”.

Mike Webber said Comcast just does not want Foxboro Cable Access in their facility. The issue of finding a new location for FCA, the problems involved in hooking into the I-Net and what location would be most suitable were subjects of discussion. Lynn Foell said that both sides seem to want to get this done. He has asked for a response from Comcast by February 6th as to the next move. He said his committee has a counter proposal but would not say any more until they hear from Comcast. He said Verizon wants to diminish local participation in their build up. He pointed out that they have legislative support to diminish or eliminate any local authority. Lynn said he supports the By-Law because communities have the right to protect their rights of way. He pointed out that he is just trying to find middle ground between the new By-Law and the Town’s rights.

A lengthy discussion was held. Lynn Foell said he does not want to deprive the Town of any new technology but he would not abdicate the Town’s right to protect the rights of way. He said Verizon has finally “come to the table” and is talking. He has tried to keep everybody in the loop by sending e-mails regarding progress. Jim Thrasher expressed his concern about trying to move ahead in these negotiations as it seems to him that little progress has been made. Lynn pointed out that at this time both Comcast and Verizon are obligated to respond to the Town by February 6th. Mike Webber pointed out that it is very possible that the license would expire before an agreement is reached. He said there are many changes in the industry and all are trying to navigate through the “landscape of different technology”; everybody needs to be playing by the same set of rules. He feels confident that the community will move forward in the right direction. It is important to take the slow road to get things done right the first time. He said Verizon needs to play itself out. Mike said the big issue for Foxboro Cable when they move is “connectivity”; if they can connect to the Town’s fiber network, it would make things easier to deal with. Jim Thrasher said in his opinion the BOS “dropped the ball” and had he known that relocation was the sticking point, perhaps something could have been done so that the Town would not find itself trying to negotiate and amend the By-Law. Lynn Foell suggested that it would be a good idea to have someone from the Board sit in on the meetings. He said he would advise the Board when he gets a response from Comcast and Verizon. Lynda Walsh said she felt it would be good to have someone from the Board sit in on meetings at least during the renewal process.

ACTION:

Minutes: The Minutes for the Board of Selectmen’s Meeting of January 13, 2009 were reviewed.

Motion by Lynda Walsh to approve the Minutes of the Meeting of January 13, 2009 as submitted. Seconded by Paul Mortenson. **Vote: 5-0-0**

Zoning Board of Appeals Appointment – Received from James Forster, 209 South Street, a request to be appointed to the Zoning Board of Appeals, term expiring May 1, 1009.

Motion by Paul Mortenson to approve the appointment to the ZBA of James Forster, 209 South Street as requested. Seconded by Lynda Walsh.

A brief discussion was held regarding the expiration dates of appointments and how to get new members or associate members. **Vote: 5-0-0**

Constable Appointment – Received a request from Frederick J. Jones to be appointed Constable for a three-year term expiring January 27, 2012.

Motion by Mark Sullivan to approve the appointment of Frederick J. Jones as Constable to a three-year term expiring January 27, 2012. Seconded by Lynda Walsh. **Vote: 4-0-1** (Jim Thrasher abstained)

Town Council Invoice – Received from Deutsch Williams an Invoice in the amount of \$13,345.84 for legal services rendered through Dec. 31, 2008.

Jim Thrasher cited the specific legal issues in the list of these services as they appeared on the invoice.

Motion by Jim Thrasher to approve payment of the Invoice from Deutsch Williams dated January 14, 2009 in the amount of \$13,456.84 as submitted. Seconded by Paul Mortenson. **Vote: 5-0-0**

Street Name – Clarendon Street – Received from Marc Resnick a request to approve the street name – Clarendon Street – in the Pleasant View Estates subdivision.

Motion by Lynda Walsh to approve the name Clarendon Street in the Pleasant View Estates subdivision as requested by Marc Resnick, Town Planner. Seconded by Paul Feeney.

Andy Gala explained that this street had been a paper street but was approved by the Planning Board in October 2006. The name of the street was on the list of Street Names. **Vote: 5-0-0**

American Dream Down payment Initiative Program – Received from Quincy Community Action Programs, Inc. a request for support of the program for down payment/closing cost assistance through the Dept. of Housing and Community Development's American Dream Down payment Initiative program. A brief discussion was held.

Motion by Mark Sullivan to support the request by Quincy Community Action Programs, Inc. as submitted. Seconded by Lynda Walsh.

Vote: 5-0-0

Hackie's License Application – Received from Richard Child, 41R Main Street, Foxboro, an application for a Hackie's License to drive for East Coast Limousine.

Motion by Lynda Walsh to approve the application for a two-year Hackie's License by Richard Child, 41R Main Street, Foxborough. Seconded by Mark Sullivan. **Vote: 5-0-0**

Highway Dept. Contract Award – Andy Gala asked the Board to approve the bid for the Highway Garage Repair to be awarded to the lowest bidder, Barbato Construction, P.O. Box 1259, Middleborough, MA. totaling \$55,824.00. Andy explained the bidding process.

Motion by Paul Feeney to award the bid for the Highway Garage Repair to Barbato Construction, Middleborough in the amount of \$55,824.00. Seconded by Mark Sullivan. **Vote: 5-0-0**

NEW/OLD BUSINESS

Paul Feeney said the MMA reported on the emergency cuts and the Town is looking at more cuts in the FY2010 budget. The figures should be coming out next week. The BOS will be addressing these issues.

Paul Mortenson said the Board should be taking a good look at rules and regulations in the licensing process. As the Board is the authorizing body, he is concerned with things such as under what circumstances are violations brought before the Board – not only liquor license violations but violations of BOS regulations, etc. He feels there should be some written policies on such issues. Andy Gala said he does not feel the necessity and the Board should “tread softly” when dealing with other Boards. Jim Thrasher said it would make sense to periodically review regulations that impact the community. He pointed out that there have been a lot of reasons in the last six months to evaluate whether or not we require servers of alcohol to have liquor license liability insurance. It makes sense to have license holders be insured against damage caused by the underage serving of alcohol. Paul Mortenson asked when should the Chief come before the Board to report a violation. He said he would call Town Counsel to see if any other towns have such policies.

Motion by Paul Feeney to go into Executive Session for the purpose of reviewing Executive Session Minutes and to exit from Executive Session for the sole purpose of adjournment. Seconded by Mark Sullivan.

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| Vote: 5-0-0 Mark Sullivan, Chairman | Yes |
| Paul Feeney, Vice Chairman | Yes |
| Lynda Walsh, Clerk | Yes |
| Paul Mortenson | Yes |
| Jim Thrasher | Yes |

Motion by Mark Sullivan to adjourn. Seconded by Lynda Walsh.

Vote: 5-0-0 Meeting adjourned at 8:50 P.M.

Lynda Walsh, Cler