

Foxborough, Massachusetts

40 South Street, Foxborough, MA 02035

BOS Meeting Minutes 2/10/2009

SELECTMEN'S MEETING MINUTES

February 10, 2009

Members Present: Mark Sullivan, Chairman
Paul Feeney, Vice Chairman
Lynda Walsh, Clerk
Jim Thrasher
Paul Mortenson

Others Present: Andy Gala, Town Manager
Randy Scollins, Finance Director
Benjamin Coyle, Olive Garden Restaurant
Lisa J. Sinkus, Revenue Officer

The meeting was brought to order at 7:00 p.m. by Mark Sullivan, Chairman.

Before the Meeting began, Mark Sullivan said he would turn the meeting over to Paul Feeney to act as Chairman. Mark will not be seeking re-election.

7:00 – Citizens Input – No one present for Citizens Input.

7:05 – Opening Hours for Olive Garden - Benjamin Coyle came before the Board seeking permission for early opening hours for The Olive Garden Restaurant, 392 Patriot Place. He said this request is on the basis of consistency with all other locations of the Olive Garden. He said such consistency gives the customers assurance that this facility will open at the same time as all the other locations – 11:00 a.m.

Mark Sullivan explained that the Board had voted in favor of a policy not to allow early opening hours except on the days of the Patriots' home games. Mark pointed out other instances on this issue where that decision was maintained. Paul Feeney said a number of restaurants had requested early opening hours for home games. He encouraged Mr. Coyle to come before the Board later in the year to further discuss this request. Jim Thrasher said it is difficult to say "yes" to one and "no" to another. He supported the earlier decision of the Board not to allow the early opening hours at this time. Lynda Walsh said she favored allowing early opening hours for The 99 Restaurant and would also favor the same for this restaurant, however, the Board voted against and "right now" she would go along with that decision. Mr. Coyle asked what mechanism would the Olive Garden use to come back before the Board later in the year. Andy Gala said written correspondence would suffice. Mark Sullivan suggested obtaining schedules of special events at the Stadium and Paul Feeney suggested getting in touch with other establishments to request the same days.

Motion by Mark Sullivan to deny early opening hours as requested by The Olive Garden Restaurant, 392 Patriot Place, Foxborough. Seconded by Paul Mortenson. **Vote: 4-1-0** (Lynda Walsh voting in the negative.)

7:15 – Preliminary Budget Summary – Randy Scollins, Finance Director, came before the Board to present a Preliminary Budget Summary and State Aid Cuts. He first discussed the State Aid Cuts for FY 2009 and 2010. He said the State Aid cut for the current year is \$180,647. He went on to explain how that gap would be closed to balance the budget. He said \$62,451 in a late payment from the State but not included in the budget process, combined with \$75,000 in arbitrage savings, still leaving a deficit of \$43,196 that could be funded through unspent capital, Free Cash and other budget cuts. Randy pointed out there would have to be a Special Town Meeting within the Annual to make budget adjustments. He pointed out that although things are tight, the Town is in a fairly good situation with enough revenue for this budget year but next year the Free Cash will be reduced. Mark Sullivan asked specifically if all departments in Town would not have to worry about possible lay offs. Andy Gala said no lay offs are anticipated at this time. Randy Scollins said an anticipated \$2.9M increase in taxation realized from new growth at Patriot Place, Chestnut Green and the Lodge at Foxborough is significant. He has reviewed all permit activity and he feels fairly confident that within a reasonable margin of error, this is attainable. He said without this, things would be far different. He pointed out that Patriot Place activity is critical.

The State Aid reduction for FY-2010 amounts to \$543,672. Randy said contingent on legislation for new taxes on meals, travel taxes, etc., that number could be reduced by \$210,634 that would reduce the cut to \$333,038. Randy pointed out the State is relying of a significant draw down on the "rainy day" fund to balance the State budget for FY-2009 and 2010. He said this would bring those funds down to a dangerous level. The last part of the Governor's budget is reliant upon the Federal Stimulus money.

Randy expressed concern about the next couple of years when these short-term fixes wear off. Andy Gala also is concerned that

the State reduction numbers could be greater than what the numbers are now. Randy said his recommendation is to refrain from any new spending for the next year.

7:45 – Revenue Officer Appointment - Andy Gala announced the appointment of Lisa J. Sinkus as the new Revenue Officer. She will fill the vacancy left by the retirement of Vivian Pitts. Andy reviewed her background and said she meets all the requirements for the job. He pointed out that Lisa has worked under Vivian Pitts for several years and is well suited for this position. Randy Scollins had high praise for her qualifications pointing out that she is well known in the financial field as well as the taxpayers of the Town. The members of the Board overwhelmingly approved her appointment. Lisa made a short statement of thanks for having had the opportunity to work under the tutelage of Vivian Pitts.

ACTION:

Minutes: The Minutes for the Board of Selectmen's Meeting of January 27, 2009 were reviewed.

Motion by Lynda Walsh to approve the Minutes of the Meeting of January 27, 2009 as submitted. Seconded by Mark Sullivan. **Vote: 5-0-0**

Invoice – Received from Deutsch/Williams an invoice for retainer services for the month of January, 2009 in the amount of \$4,083.33.

Motion by Paul Mortenson to approve the invoice from Deutsch/Williams in the amount of \$4,083.33 for retainer services in the month of January, 2009 as submitted. Seconded by Lynda Walsh. **Vote: 5-0-0**

Tuition Reimbursement – Received from Deputy Police Chief John Chandler a request for tuition reimbursement for Officer Kerry Apgar for courses at the University of Lowell, course in Domestic Terrorism & Hate in the amount of \$1,440.00.

Motion by Lynda Walsh to approve the tuition reimbursement for Officer Kerry Apgar for a course at the University of Lowell in the amount of \$1,440.00 as submitted. Seconded by Mark Sullivan. **Vote: 5-0-0**

One-Day Auctioneer's License – Received from FACES an application for a One-Day Auctioneer's License, a fundraiser to be held at Fidelity Clubhouse, Gillette Stadium on March 28, 2009.

Motion by Mark Sullivan to approve the application for a One-Day Auctioneer's License as submitted by FACES. Seconded by Lynda Walsh.

Vote: 5-0-0

One-Day Beer & Wine License Application – Received from Bill Cunningham on behalf of Bay Colony Productions an application for a One-Day Beer & Wine License for an event to be held on February 13, 2009 at the Orpheum Theatre.

Motion by Lynda Walsh to approve the application for a One-Day Beer & Wine License as submitted by Bay Colony Productions for February 13, 2009. Seconded by Mark Sullivan. **Vote: 5-0-0**

Class II Auto License Renewal – Received from Michael Galloway, Auto East, an application for Class II Auto License Renewal, 59 Washington Street, Foxborough.

Motion by Mark Sullivan to approve the application for a Class II Auto License Renewal as submitted by Michael Galloway, Auto East, expiring January 01, 2010. Seconded by Lynda Walsh. **Vote: 5-0-0**

ZBA Applications – Received applications for appointment to the ZBA from Christopher Karvonen, 48 South Street and Donald A. Baker, 16 Milton Lane as associate members. A brief discussion was held. The Board will continue the policy of having applicants come before the Board to be interviewed.

Renewable Energy Advisory Committee Appointment – Received from Charles Masison, 445 South Street a request to be appointed to the Renewable Energy Advisory Committee.

Motion by Paul Mortenson to appoint Charles Masison, 445 South Street to the Renewable Energy Advisory Committee for a term expiring May 1, 2009. Seconded by Paul Feeney. **Vote: 5-0-0**

Invoice – Received from Attorney Peter J. Epstein an invoice for legal services related to the Cable Television Licensing for the month of January, 2009 in the amount of \$1,370.00.

Motion by Lynda Walsh to approve the invoice for legal services as submitted by Attorney Peter J. Epstein, dated February 03, 2009 in the amount of \$1,370.00. Seconded by Mark Sullivan. **Vote: 5-0-0**

Borrowing for Witch Pond Wells – Andy Gala requested the Board to approve and sign the bond to borrow \$4.3M at 2% for 20 years for the construction of the Witch Pond well.

Motion by Mark Sullivan to approve and sign the bond to borrow \$4.3M at 2% for 20 years as submitted by Andy Gala, Town Manager. Seconded by Jim Thrasher. **Vote: 5-0-0**

Award for Revaluation of all Real Property – Andy Gala asked for approval of the bid award for the Revaluation of all Real Property to Vision Appraisal, 44 Bearfoot Rd., Northboro, MA. in the amount of \$148,000, dated Feb. 2, 2009. A brief discussion was held.

Motion by Mark Sullivan to approve the award for the Revaluation of all Real Property to Vision Appraisal, Northboro, MA as submitted. Seconded by Lynda Walsh. **Vote: 5-0-0**

NEW/OLD BUSINESS

Jim Thrasher read a prepared statement announcing that he would not seek re-election as Selectman for the Town. He spoke of the commercial growth since he first served as Selectman and of those projects still to be accomplished. He said he felt it is time for him to step aside for candidates with new ideas to come forward to contribute to the future of the community.

Paul Mortenson again mentioned his concerns about policies and procedures in instances of liquor law violations. He said it is important to draft a set of regulations or guidelines for addressing such violations. He would like the Board to consider this suggestion. These guidelines would lay out what steps might be taken when a violation occurs. He suggested having something in writing to be reviewed by Town Council. Lynda Walsh asked if something like that would include case history or merely an updated version of what the Town has been doing in these cases. Paul Mortenson said he did not mean to “red line” the Town’s policy. Andy Gala said this would be the type of thing that falls under the legal retainer fee. Mark Sullivan asked that all members of the Board have the opportunity to “edit” such a document. Paul Feeney said all members of the Board need to be comfortable with this; he sees no reason why not to go over the procedures.

Motion by Mark Sullivan to adjourn. Seconded by Paul Feeney.
Vote: 5-0-0 Meeting adjourned at 8:45 P.M.

Lynda Walsh, Clerk