

SELECTMEN'S MEETING MINUTES
November 24, 2009

Members Present: Lynda Walsh, Vice Chairman
Paul Mortenson, Clerk
Lorraine Brue

Others present: Andy Gala, Town Manager
Jack Authelet, Kenneth Bryant & Robert Hicks, Historical
Commission
Marc Resnick, Town Planner
Kevin Weinfeld, Bill Grieder and Gordon Greene, Planning
Board

The meeting was brought to order at 7:00 p.m. by Lynda Walsh, Vice Chairman.

7:00 – Citizen Input – Dick Heydecker, 63 Grove Street, came before the BOS to express his concerns. He first commended the Board, the School Committee, Finance Director and Town Manager for addressing the needs of the Town relative to the budget shortfall. His major concerns, he said, are long term issues. He spoke about school enrollment projections given the recent developments with new homes in Foxborough. Mr. Heydecker is concerned about the “public records”, minutes of meetings that indicate “attachments” where no attachments are included or no minutes at all. He pointed out there is, at present, no School Committee member on the Building Committee as required by Statute and Regulatory guidelines. He said there are daily and monthly reports that are supposed to be submitted but are not part of the public record. He talked about the “slush fund” being used for items not part of the original plans, things such as 17 TV’s for the Fire & Police Building. He feels all these things should be brought before the BOS for public discussion. He would like to be sure any “slush funds” used for things not in the original intent of the project should go back to the Town to help pay for budgetary items that are “in front of us all”. Paul Mortenson pointed out that in fairness to all, there may be two sides to these issues and the inference here is that someone is being dishonest. Dick said he just wanted to bring these issues before the public and when changes are made to these big projects, it should be discussed openly.

7:05 – Grave at the State Hospital – Jack Authelet was present to give an update on the unmarked grave at the State Hospital. He gave a brief background regarding the burial practices of the State Hospital for those who could not afford a proper burial or those who had no family; some are buried at Rockhill and some of them at the Cross Street cemetery. An unmarked grave was discovered during the surveying process. The Historical Committee has been working with the State to try to locate a death certificate but have been

unsuccessful. The next step is to move the grave to Cross Street. Jack was seeking approval by the Board to relocate the grave. A brief discussion was held.

Motion by Paul Mortenson to direct the Historical Commission to make efforts to relocate the unmarked grave on the State Hospital property to the cemetery on Cross Street. Seconded by Lorraine Brue. **Vote: 3-0-0**

7:25 – Zoning Article for Chestnut Green – Kevin Weinfeld said the main reason for requesting this Zoning Article be added to the Warrant for the Special Town Meeting is to keep the Chestnut Greene project moving along. The proposal is to allow the re-opening of the Special Permit to construct single family condos where the original plans call for attached condos. The single units would be two bedrooms and a total of 1400 sq. feet. It was pointed out that the economic downturn has slowed the project, although most of the commercial areas are completed. Marc Resnick pointed out that the market has changed. The single family units are more reflective of today's market than when the project first began. The opening of the Special Permit would give the Planning Board an opportunity to tighten controls as the project moves along with future Special Permit requests. Bill Grieder feels the concept of small single family dwellings would jumpstart the process and it should be on the Warrant. Kevin Weinfeld explained there is a financing issue regarding a regulation that requires a certain percentage of units of attached condos must be sold in order to obtain financing; that is not the case for single family condos because they can be sold individually.

A lengthy discussion was held including the location of the proposed single family dwellings, land purchases as well as issues pertaining to the possible developer Intoccia Construction. Andy Gala pointed out that he had met with Mike Intoccia and Vince O'Neil earlier in the day. A promise had been made to pay overdue taxes amounting to approximately \$30,000. The Town had not received that payment as of 5:00 p.m. The total debt to the Town is over \$83,000. Andy Gala will not do business with anyone that is in arrears in taxes. Andy said it is up to the Board to decide whether or not to put this on the Warrant. Gordon Greene pointed out that the Planning Board has never approved a special permit to anyone who is in violation of owing anything to the Town and before any permit is approved this is checked through all departments.

Motion by Paul Mortenson to open the December 14th scheduled Special Town Meeting Warrant for the purpose of conducting a Special Town Meeting within the Special Town Meeting to amend the Foxborough Zoning By-Laws for the Chestnut Green Overlay District. **Vote: 3-0-0**

Motion by Paul Mortenson to close the Special Town Meeting Warrant.
Seconded by Lorraine Brue. **Vote: 3-0-0**

8:00 – Cable Television Issuing Authority Report (I.A.R) – Lynn Foell, Cable Advisory Committee, distributed copies of the I.A.R. for the Board’s review. This report is to be sent to Verizon. He said this report is basically what was arranged with Comcast with only minor changes. Attorney Peter Epstein will send a letter to Verizon regarding this report. A brief discussion was held with questions regarding the hook up to Foxborough Cable Access studio and special discounts for Seniors.

Motion by Paul Mortenson to submit to Verizon the Issuing Authority Report as presented by Lynn Foell and dated November 24, 2009. Seconded by Lorraine Brue. **Vote: 3-0-0**

ACTION:

Minutes – The Minutes from the Board of Selectmen’s Meeting of November 10, 2009 were reviewed.

Motion by Paul Mortenson to approve the Minutes for the Meeting of November 10, 2009 as submitted. Seconded by Lorraine Brue. **Vote: 3-0-0**

Legal Invoices – Received from Collins, Loughran & Peloquin, P.C. an invoice in the amount of \$7,770.00 for professional services for the month of October, 2009.

Motion by Lynda Walsh to approve the invoice in the amount of \$7,770.00 from Collins, Loughran & Peloquin, P.C. for the month of October, 2009. Seconded by Paul Mortenson. **Vote: 3-0-0**

Received from Attorney Peter Epstein an invoice in the amount of \$\$\$3,290.00 for services rendered in the month of October, 2009.

Motion by Lynda Walsh to approve the invoice from Attorney Peter Epstein in the amount of \$3,290.00 for services rendered in the month of October, 2009. Seconded by Lorraine Brue. **Vote: 3-0-0**

Received from Deutsch/Williams an invoice in the amount of \$4,083.33 for services rendered per retainer agreement during the month of November, 2009.

Motion by Paul Mortenson to approve the invoice from Deutsch/Williams in the amount of \$4,083.33 for retainer services for the month of November, 2009. Seconded by Lorraine Brue. **Vote: 3-0-0**

Donation – Memorial Hall Lighting – Received from Stephen J. and Susan M. Burlone a check in the amount of \$250.00 to be deposited in the Historical Commission Gift Fund for Memorial Hall Lighting.

Motion by Paul Mortenson to accept with gratitude the check in the amount of \$250.00 from Stephen J. and Susan M. Burlone to be deposited in the Historical Commission Gift Fund. Seconded by Lorraine Brue. **Vote: 3-0-0**

C.O.A. Donation – Received from the Freemasons of the Rabboni Royal Arch Chapter/North Attleboro a donation in the amount of \$500.00 to be deposited in the C.O.A. gift fund to be used for Senior programs.

Motion by Paul Mortenson to accept the donation in the amount of \$500.00 from the Freemasons of the Rabboni Royal Arch Chapter/North Attleboro to be deposited in the C.O.A. gift fund to be used for Senior programs. Seconded by Lorraine Brue. **Vote: 3-0-0**

Constable Appointment Renewal – Received from Jerold S. Loomis a request to be re-appointed as Constable for the Town of Foxborough.

Motion by Paul Mortenson to approve the re-appointment of Jerold S. Loomis, Weymouth, MA., as Constable for the Town of Foxborough – appointment to expire December 19, 2012. Seconded by Lorraine Brue. **Vote: 3-0-0**

3 One Day Beer & Wine Licenses – Received a request from Bill Cunningham, Orpheum Theater a request for three One Day Beer & Wine Licenses to be effective December 26, 27 and 28, 2009.

Motion by Paul Mortenson to approve the request from Bill Cunningham, on behalf of the Orpheum Theater for three One Day Beer & Wine Licenses to be effective December 26, 27, 28, 2009 as requested. Seconded by Lorraine Brue.

Vote: 3-0-0

Charity Wine Pouring License – Received from Joel Fishman, on behalf of the Norfolk Advocates for Children a request for a One Day Charity Wine Pouring License to be effective December 3, 2009. A brief discussion was held.

Motion by Paul Mortenson to approve a One Day Charity Wine Pouring License, effective December 3, 2009 as submitted by Joel Fishman, Norfolk Advooates for Children. Seconded by Lorraine Brue. **Vote: 3-0-0**

Showcase Live request for Extension of Hours – Received from Adam Hawk, General Manager for Showcase Live a request for an extension of operating hours to 2:00 a.m. on New Year’s Eve.

Motion by Paul Mortenson to approve the request from Adam Hawk, General Manager for Showcase Live for an extension of operating hours to 2:00 a.m. on New Year’s Eve. Seconded by Lorraine Brue. **Vote: 3-0-0**

FCA Check – Received from Foxboro Cable Access, Inc. a check in the amount of \$5,530.00 for Legal Support for Contract Negotiations.

Motion by Paul Mortenson to accept the check from Foxboro Cable Access, Inc. in the amount of \$5,530.00 for legal support for contract negotiations. Seconded by Lorraine Brue. **Vote: 3-0-0**

Extension of Hours – Bar Louie – Received from Bill Cochran, General Manager, a request for an extension of hours for their current Entertainment License. Andy Gala explained the applicant did not check off the “box” on the original application.

Motion by Paul Mortenson to approve the request for the extension of hours for New Year’s Eve as submitted by Bar Louie, dated November 23, 2009. Seconded by Lorraine Brue. **Vote: 3-0-0**

NEW/OLD BUSINESS:

A brief discussion was held regarding the Article 5 on the STM Warrant. Lorraine Brue asked for a re-vote on that Article.

Motion by Lorraine Brue that the Board vote “No Action” on Article 5, Meals tax on the STM Warrant. Seconded by Paul Mortenson. **Vote: 3-0-0**

Motion to adjourn by Paul Mortenson. Seconded by Lorraine Brue.
Vote: 3-0-0 Meeting adjourned at 8:15 p.m.

Paul Mortenson, Clerk