

SELECTMEN'S MEETING MINUTES
August 24, 2010

Members Present: Lynda Walsh, Chairman
Larry Harrington, Vice Chairman
Jim DeVellis, Clerk
Lorraine Brue
Paul Mortenson

Others Present: Phil Henderson, Chairman W&S Commissioners
Bill Euerle, Clerk, W&S Commissioners
Mike Stanton and Bob Bell, W&S Commissioners
Leo Potter, Superintendent W&S
Randy Scollins, Finance Director
Sue Thibedeau, Animal Control Officer

The meeting was brought to order at 6:00 p.m. by Lynda Walsh, Vice Chairman.

6:00 – Phil Henderson, W&S Commissioners Chairman, made a motion to go into Executive Session for the purpose of discussing the value and lease of real property. Seconded by Mike Stanton.

Vote: 3-0-0 Phil Henderson, Chairman Yes
Bill Euerle, Clerk Yes
Mike Stanton Yes

A brief discussion was held on whether this issue should be discussed in open meeting or in Executive Session.

Motion by Lorraine Brue to go into Executive Session to discuss the value of the existing MOU and to exit Executive Session to go into the scheduled open BOS meeting. Seconded by Jim DeVellis.

Vote: 4-0-0 Lynda Walsh, Chairman Yes
Jim DeVellis, Clerk Yes
Lorraine Brue Yes
Paul Mortenson Yes

7:00 – Citizens Input – David Brown came before the Board to ask that Executive Session minutes be released as soon as possible after an event has been held. Lynda Walsh responded by saying that she would put the review of minutes on the agenda for the next meeting. He also requested that any rough draft or anything he or any citizen would be entitled to also be released.

Tricia Ketchum, 18 Morningside Lane, read a prepared statement. She commended the Search Committee for their dedication in conducting a search for

excellent candidates. Tricia spoke very highly of Randy Scollins noting that he is well vested in the Town and has built solid relationships throughout. As former Advisory Committee Chairman, Tricia knows of Randy's work ethic, his values and leadership qualities. She hoped the Board would make the right decision for the Town of Foxborough.

7:05 – Town Manager Search – BOS - Jim DeVellis thanked the Search Committee for their hard work. Larry Harrington said both candidates are very qualified. He hoped this session could be positive. He suggested a straw vote to find out just where the Board is and if a unanimous vote would be possible. Each member of the Board would be asked to share who they think is the best candidate. A brief discussion was held on the best way to explain the choices made while keeping the discussions positive and professional.

Jim DeVellis read from a prepared statement in which he explained the steps he took to make his decision. He outlined the qualifications of each candidate. He took feedback from the Search Committee, listened to the many calls he received on behalf of each candidate and he cross referenced "Powers and Duties" in the Town Manager Act as well as the list of "Qualities and Qualifications" submitted by the BOS to the Search Committee. After putting all this information together, he considered how each candidate would handle the issues before the Town and at the same time bring the accomplishments of Andy Gala to the next level. He recommended entering into contract negotiations with Kevin Paicos for the position of Foxborough Town Manager.

Lorraine Brue read from a prepared statement. She outlined the process she used to help her make an informed decision. Lorraine called references for both candidates. For Randy she spoke to past employees at Staples and members of various boards and committees in Town and for Kevin she spoke to Selectmen from Hingham, Ashburnham and Easton – all Towns where Kevin had held a similar position. Lorraine also read meeting minutes from the different towns and watched local news broadcasts involving town officials. From her prepared statement Lorraine listed for each candidate the reasoning behind her recommendation. Randy Scollins is her recommendation for the position of Town Manager in Foxborough.

Paul Mortenson did not have a prepared statement. He said he had worked with Randy and he has done a great job; he is very ethical, open minded and patient. Paul agreed with many of the comments expressed by Lorraine Brue. Randy would come forth with his own ideas and do things differently. Paul said he has confidence in Randy's ability to assume the responsibilities of Town Manager in Foxborough. Paul thanked Kevin Paicos for his patriotism and he has no reservations about Kevin's ability to manage the Town. He had a question about Kevin's length of service. Paul's recommendation is to go into contract negotiations with Randy Scollins for the position of Town Manager of Foxborough.

Larry Harrington said he agreed with most of what everybody had said. He pointed out that Randy's relationship with the School Committee is outstanding. Larry expressed concern about the By-Laws that are very clear on the separation of the financial departments and the town management. He feels the proper separation is very important. Larry could not support having one person doing both positions because it violated the spirit of the by-law.

Larry Harrington said Kevin Paicos is a person with lots of experience and integrity. He pointed out that anybody coming in is going to make changes and put their own stamp on the position. It has to be someone who has the ability to look at everything and to ask questions. Kevin Paicos offers experience as Town Manager and has been through a lot of difficult times. He has demonstrated the ability to be a strong professional Town Manager. Larry said they are both outstanding candidates. He would recommend offering the position of Town Manager for Foxborough to Kevin Paicos.

Lynda Walsh also read from a prepared statement. She thanked the Search Committee for bringing forth two well qualified candidates. Lynda also thanked all the residents for their calls and comments. Lynda has reviewed the interviews and her notes. She noted that this is probably one of the hardest decisions the Board will be faced with. She has great respect for the accomplishments of both candidates and her decision came down to one thing – she wanted both. The addition of Kevin Paicos to the team all ready in Town Hall would be the best for the Town of Foxborough. She recommended Kevin Paicos for the position of Town Manager. She would look forward to Randy and Kevin working together. "What a dynamic team this will be."

Motion by Larry Harrington to authorize the Board of Selectmen to enter into contract negotiations with Kevin Paicos. Seconded by Jim DeVellis.

Lynda Walsh feels this will make a dynamic team. In reference to Randy, Lynda felt that she "jumped the gun" without doing an interview and she is a huge supporter of Randy Scollins. She said right now is the time for someone to come in and make changes. She pointed out that Randy has put the Town in the good financial state that it is in right now. Kevin's experience in regionalization is "the way to go" and he can bring that to the Town.

Jim DeVellis said he has done a lot of checking but that he is uncomfortable with only two weeks time. Combining the Financial Director with the Town Manager is something not seen often. Jim said he had made several phone calls and could not find anyone to say it is successful. He mentioned two people who know Kevin and have a sense of where the Town is going. Jim pointed out that it is good to know Kevin through other people and that Kevin is a man of honesty and integrity.

Paul Mortenson said he would agree that Kevin Paicos can be the Town Manager. The idea of Randy wearing two hats was somewhat of a concern but he has talked to Randy about that.

Larry Harrington just does not believe in combining the two positions. The By-Laws are clear. He felt that Randy had given him an ultimatum (to be both Finance Director and Town Manager) and when it is repeated twice Larry felt the way to do that would be if Randy was hired for both positions.

Lynda Walsh said this was a very difficult decision. She feels this is a win/win situation. Randy Scollins will be working the same as when he was working with Andy Gala.

Lorraine Brue said that Kevin Paicos proposed using the same configuration as the Town of Hingham; she feels the comment by Randy about only going to take the job if there was going to be an Assistant Town Manager is not a reason to discount Randy Scollins. Lorraine pointed out these are two strong individuals who think differently on what is the best way to manage the Town. She found differences in the responses she was getting but in terms of the level of recommendations both were good, but one was superior. She said she did not know Kevin but has known Randy for six years. Lorraine questioned the background check. She asked for an in depth background check. Other members of the Board agreed that a further background check start very quickly. Lorraine suggested hiring an independent firm to perform the background check. Larry Harrington said the results should be presented to the BOS not the Search Committee. Lorraine acknowledged the majority of the Board had recommended Kevin Paicos, but suggested a background check be performed before an offer is made

Larry Harrington pointed out that the Search Committee is not interested in a 3-2 vote; the Board has to go forward with this tonight. He agreed to the background check but pointed out that Kevin has had thorough background checks done by the Military. He would like to see the background check done simultaneously with the writing of the contract.

Motion by Paul Mortenson to amend the motion to make no offer until the background check is done. Seconded by Lorraine Brue. **Vote: 2-3-0**

Larry Harrington pointed out that nobody was disagreeing on the background check.

Motion by Jim DeVellis to take another vote on the original motion.

Vote: 4-1-0 Paul Mortenson voted in the negative. He thanked Larry for the opportunity to revote but declined. Motion not seconded. No revote taken.

Jim DeVellis pointed out that there is a motion on the table and why not go into negotiations. He did not want to push this off; all have done due diligence. He

did not want to stop the process on a “what if”. He said the Board should start negotiations to move forward.

Motion by Larry Harrington to amend the motion to direct the Chairman of the Board to appoint one other member of her choice and begin contract negotiations with Kevin Paicos which will be subject to the successful background check. Seconded by Paul Mortenson

Jim DeVellis pointed out that it is important that somebody come in with a unanimous decision.

Motion by Jim DeVellis to revote and to get a unanimous vote. Paul Mortenson said he does not have a “gut feel” for a unanimous vote. He feels strongly that Randy Scollins is right for the job. He said he would “pass” on this very gracious offer. Jim withdrew the motion.

Vote on the original motion as amended: 5-0-0.

7:30 – Public Hearing – Big Tuna LLC d/b/a Skipjack’s (continued) – Lorraine Brue said she would be in favor of approving Skipjack’s request to open on Sundays at 10:00 a.m. as serving brunch is part of their business. She would not be in favor of a 10:00 a.m. opening without serving brunch.

A brief discussion was held concerning the serving of alcohol one hour earlier on Sundays. It was pointed out that the serving of brunch with alcohol would enhance the business; the business is doing quite well without rolling the time back to 10:00 a.m. Approving this request would open the door for other restaurants to make a similar request and where or when could the Town establish a cut off. The suggestion was made to compromise by not approving the opening at 10:00 a.m. on game Sundays but allow an 11:00 a.m. opening on all Sundays.

Motion by Lorraine Brue to close the Public Hearing. Seconded by Larry Harrington. **Vote: 5-0-0**

Dan Murphy, VP Gillette Stadium, said he had heard that the request had been withdrawn.

Motion by Paul Mortenson to approve the application to change the Sunday opening hour to 10:00 a.m. as submitted by Big Tuna LLC, d/b/a Skipjack’s. Seconded by Lorraine Brue. **Vote: 2-3-0**

Motion by Paul Mortenson to resolve to support warranted requests by restaurants to open at 11:00 a.m. on Sundays throughout the year with the provision the alcohol is served with food. Seconded by Lorraine Brue.

Vote: 5-0-0

7:45 – Proposed By-Law pertaining to Nuisance Animals – Sue Thibedeau, Animal Control Officer, came before the Board seeking input on a request for a by-law regarding nuisance animals – in this case cats. She reported that the majority of towns do not have such a by-law. Wellesley and Medway are two towns that have some kind of by-law that includes cats. Sue said the number of complaints about cats have been minimal. She has talked to both parties involved in this issue. Sue would recommend an outdoor litter box be provided to encourage the cats to use the box. She pointed out that Foxborough does not have a facility to house the cats if they were taken into custody. Larry Harrington suggested that this matter be discussed at a meeting in the fall and ask the citizens involved to attend the meeting for discussion. He noted that any change to or introduction of a by-law has to be approved at Town Meeting.

ACTION:

Minutes – The Minutes for the Board of Selectmen’s Meetings of July 13 and July 27 and August 10, 2010 were reviewed.

Motion by Larry Harrington to approve the Minutes of July 13, 2010 as amended. Seconded by Jim DeVellis. **Vote: 5-0-0**

Motion by Lorraine Brue to approve the Minutes of July 27, 2010 as submitted. Seconded by Jim DeVellis. **Vote: 5-0-0**

Motion by Jim DeVellis to approve the Minutes of August 10, 2010 as amended. Seconded by Paul Mortenson. **Vote: 5-0-0**

Repaving Mill Street and Angela Drive – Received from Bob Swanson, Highway Superintendent, an update on the request to repave Mill Street and Beaumonts’ Pond Subdivision.

A brief discussion was held. Jim DeVellis asked about the Town’s master plan for road repairs, whether it is moving forward and whether the Superintendent needed help in putting together a master plan to try to get additional funding. Bob Swanson pointed out it would mean putting off other things all ready approved. He has applied for FEMA funds to do repair work around the Mill Street culvert. He feels he should not postpone work on other streets that are in desperate need of repair to do repaving at Beaumonts’ Pond Subdivision. He would consider cracksealing. Larry Harrington noted that last year the suggestion was made to find a student to help draft a master plan. He estimated that it would take about \$2m per year and the Town should start “making a dent” in what needs to be done. This is an item for the list of goals and objectives.

Invoice – Received from Deutsch/Williams an invoice for Legal Services Rendered in July, 2010 in the amount of \$3,648.10. A brief discussion was held.

Motion by Larry Harrington to approve the Invoice from Deutsch/Williams for legal services rendered in July, 2010 in the amount of \$3,648.10 as submitted. Seconded by Lorraine Brue. **Vote: 5-0-0**

Re-appointment of Town Counsel – This is an item brought forward from the last meeting – the re-appointment of Attorney Paul R. DeRensis as Town Counsel with a term expiring August 12, 2011. A brief discussion was held regarding some concerns about the contract and the impact of Attorney DeRensis serving the Town of Mansfield.

Motion by Larry Harrington to appoint Attorney Paul R. DeRensis as Town Counsel for the Town of Foxborough for a period of one year with the contract terms remaining the same. Seconded by Paul Mortenson. **Vote: 5-0-0**

Requests for One-Day Wine & Malt Licenses – Received from Dee Meyers DBA J. Polep Distribution Services a request for two 1-day Wine and Malt Licenses for September 20 and 21, 2010 for a trade show to be held at Christina's, 2 Washington Street, Foxborough.

Motion by Paul Mortenson to approve the application for two 1-day Wine & Malt Licenses as submitted by Dee Meyers DBA J. Polep Distribution Services for September 20 and 21, 2010. Seconded by Lynda Brue. **Vote: 5-0-0**

Received from Bay Colony Productions DBA The Orpheum Theatre an application for a One Day Beer & Wine License for August 27, 2010.

Motion by Paul Mortenson to approve the application for a One Day Beer & Wine License for August 27, 2010 as submitted by Bay Colony Productions DBA The Orpheum Theatre. Seconded by Lorraine Brue. **Vote: 5-0-0**

Received from Dan Stapleton an application for a One Day Beer & Wine License for a Motorcycle Run to be held Saturday, September 11, 2010.

Motion by Paul Mortenson to approve the application for a One Day Beer & Wine License as submitted by Dan Stapleton. Seconded by Lorraine Brue. **Vote: 5-0-0**

Requests for Early Openings on Sundays – Received from Patricia L. Martin, Owner for Tastings Wine Bar & Bistro a request for an early opening on Sundays during the football season.

Motion by Paul Mortenson to approve the request for early opening at 11:00 a.m. on Sundays during the Patriots football season as submitted by Patricia L. Martin on behalf of Tastings Wine Bar & Bistro. Seconded by Lorraine Brue. **Vote: 5-0-0**

Received from James J. Nolan, Jr. on behalf of Gillette Stadium a request for opening at 11:00 a.m. on Sundays during the Patriots football season Licenses NPS LLC License #42600013, NPS LLC License #042600014 and Foxboro Realty Associate LLC License #042600035.

Motion by Paul Mortenson to approve the requests for opening at 11:00 a.m. on Sundays during the Patriots football season as submitted by James J. Nolan, Jr. Senior Vice President of Finance for Gillette Stadium, dated August 3, 2010. Seconded by Lorraine Brue. **Vote: 5-0-0**

Received from Robert Christensen on behalf of CBS Scene restaurant a request for early opening at 11:00 a.m. on Sundays during the Patriots football season.

Motion by Paul Mortenson to approve the request for early opening at 11:00 a.m. on Sundays during the Patriots football season as submitted by Robert Christensen, CBS Scene. Seconded by Larry Harrington. **Vote: 5-0-0**

10:00 a.m. Opening Request – Received from Robert Christensen on behalf of CBS Scene restaurant a request to serve alcohol with food at 10:00 a.m. on Sundays.

Motion by Larry Harrington to deny the request for early opening at 10:00 a.m. as submitted by Robert Christensen on behalf of CBS Scene restaurant. Seconded by Paul Mortenson. **Vote: 5-0-0**

Donation to Foxboro Animal Gift Account – Received from Hilary Cohen, Norfolk Animal Control Officer notice of a gift in the amount of \$250.00; a donation made by Anthony Biscaia winner of the cow chip bingo.

Motion by Larry Harrington to accept with gratitude the gift in the amount of \$250.00 for the Foxboro Animal Gift Account donated by Anthony Biscaia. Seconded by Paul Mortenson. **Vote: 5-0-0**

Donation to Foxboro Animal Gift Account – Received from Elizabeth and Michael Ferrari a check in the amount of \$120.00 to be deposited in the Foxboro Animal Gift Account.

Motion by Larry Harrington to accept with gratitude the gift in the amount of \$120.00 received from Elizabeth and Michael Ferrari to be deposited in the Foxboro Animal Gift Account. Seconded by Paul Mortenson. **Vote: 5-0-0**

United Nations Day Proclamation – Received a request from the United Nations Association of Greater Boston to declare October 24, 2010 as United Nations Day.

Motion by Paul Mortenson that the BOS declare October 24, 2010 as United Nations Day in Foxborough as requested by Richard Golob, President, United Nations Association of Greater Boston. Seconded by Lorraine Brue.

Vote: 5-0-0

Pole Installation – Received from Nationalgrid notice of a new intermediate pole installation, P28-50 on Carpenter Street.

Motion by Paul Mortenson to approve the installation of a new intermediate pole, P28-50 on Carpenter Street as submitted by Nationalgrid. Seconded by Jim DeVellis. **Vote: 5-0-0**

NEW/OLD BUSINESS

Paul Mortensen asked for a motion to release old Executive Session Meeting minutes, minutes where the information is all ready public or the issue has been resolved particularly those concerning W&S negotiations..

James J. DeVellis, Clerk