

**SELECTMEN'S MEETING MINUTES**  
**February 9, 2010**

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

Others Present: Andy Gala, Town Manager  
Randy Scollins, Finance Director  
Representative Jay Barrows  
Don Sherman, Actuarial Consultant  
Brian Walton, Chairman, and other members of the  
Audit Committee  
Chris Mitchell, McGinty Family Fun Day

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

**7:00 – Citizens Input** – Heather Harding, Recreation Dept. and Dave Crocini, Chestnut Green project manager, came before the Board seeking permission to put signs at both ends of the Common announcing a community drive for new and gently used shoes for the victims of the earthquake in Haiti. This is an idea being organized by Erin Galvin and Britny Kirsner. The drive is called Foxboro Footsteps to Recovery in Haiti and donations may be made through March 5<sup>th</sup>. A brief discussion was held.

Motion by Lynda Walsh to approve the request to install signs at both ends of the Town Common for “Foxboro Footsteps” as presented. Seconded by Lorraine Brue. **Vote: 4-0-0**

**7:05 – Legislative Up-Date** – Representative Jay Barrows was present to give an up-date on Legislative issues pertaining to Foxborough. He first noted that he had been to the dedication of the Warren A. McKay Witch Pond Water Treatment Facility. He said this had been in the making for many years. He was very impressed by the facility and congratulated the W&S Commission for a job well done.

The clean-up of the Hathaway/Patterson property on County St. has begun. With help from Congressman Barney Frank this is a federally funded project. An earlier vote by the Board granted permission to operate at the cleanup site from 8:00 a.m. to 3:00 p.m. when school is in session. They are seeking approval to increase the hours of operation when school is not in session from 7:30 a.m. to 5:00 p.m. This would help to move the project on to an earlier completion. Only three trucks would be allowed on site at a time; everything would be locked up and there would be no mess. He said no vote would be

necessary at this meeting. He advised the Board to look over the material and make a decision as soon as possible.

A brief discussion was held. Jay Barrows explained that the company is working under a time limit. He pointed out that whatever material is taken from the site, the contamination would be removed and the material trucked back. This would provide about 120 parking spaces for the residents of Foxborough who use the train service. Lynda Walsh noted that there is a need to reach out to residents on County St. in regard to this activity.

Jay Barrows hopes the legislation for the Regional Sewer District will be approved by the Senate within the next couple of weeks. It would then go back to the House of Representatives for adoption and then on to the Governor's office. Currently there is language for a tax credit given to anyone who repairs a failed septic system or cesspool. Jay said it might be possible to strike the word "failed" and this would allow the people of Foxborough, Mansfield and Norton who do not have failed system to tie into the Regional District and be eligible for the credit. People would then be better able to determine what the costs would be.

Rep. Barrows said he had been asked to look into getting new flags for the Town Common and the Taylor School. He would like permission to try to secure flags that have flown in the Capitol. Andy Gala said he would look into this matter. He said the flag on the Common was replaced only a couple of months ago.

A lengthy discussion was held on the Executive Summary of the House Budget for FY-2011. Final numbers should be available no later than mid March. Revenues are still slipping; significant federal stimulus funds are not anticipated, spending is up by 4% while tax revenue is only at 3.2%. Jay pointed out a few areas where taxes could be raised, such as the tobacco tax, increased taxes on candy and meals, but these would only cause people to go out of State to avoid paying higher taxes. He said the federal stimulus funds are a one-time funding source and would not be available for the 2011 budget year. The cap on incentives for the movie industry is going to hurt state revenue. The State budget is still out of balance.

**7:45 – McGinty Family Fun Day** – Chris Mitchell came before the Board to discuss plans to continue the McGinty Family Fun Day that was started by Cindy McGinty in honor of her husband and others who lost their lives in the 9/11 terror attack. This would be a day of celebration and a day of service. Funds raised would go to a Foxborough student scholarship and a 9/11 Memorial to be placed at the Public Safety Building. The plan is to invite civic organizations in Town to do a service project of some kind on the morning of the event and then to have everyone join the activities on the Common for Family Fun Day from 11:00 a.m. to 3:00 p.m. Chris said the first planning meeting is scheduled for March 9<sup>th</sup> at

7:00 p.m. in the McGinty Meeting Room. A brief discussion ensued. Lynda Walsh thanked Chris Mitchell for taking on this special event and seeking to make it an annual event.

Motion by Lynda Walsh to allow the use of the Town Common on September 11, 2010 from 11:00 a.m. to 3:00 p.m. for McGinty Family Fund Day activities. Seconded by Paul Mortenson. **Vote: 4-0-0**

**8:10 – Actuarial Study – Post Retirement Health Benefits** – Brian Walton, Chairman of the Foxborough Audit Committee, explained that the discussion was to strategize on the unfunded retiree health benefit liability. Randy Scollins introduced Dan Sherman, Consulting Actuary from Buck Consultants, the firm engaged by the Town to conduct a valuation report on post employment benefits for retirees. An “Executive Summary of the Actuarial Report on the Town of Foxborough’s Retiree Health Benefits Obligations” was distributed. This included information on the cost over a 30 year period, Cost Savings and Funding Strategies and recommendations on how to best establish a qualified trust fund. Don Sherman pointed out that it is now required by the State that there must be full disclosure of the liability in the financial reports of the Town. He explained the financial impact on the Town over a period of 30 years on the “pay-as-you-go” plan currently used by the Town. He also outlined the impact of the liability by implementing a qualified Other Post Employment Benefits (OPEB) Trust Fund. A brief discussion ensued regarding the financial advantages of establishing the trust fund. Randy Scollins explained that in order to move funds from the pension assessment and unemployment funds to the General Fund revenues and then to move those funds into a newly created OPEB Qualified Trust, all of these would have to be voted upon at the ATM and would need the approval of the voters for each article. Brian Walton pointed out that this would require complete explanation and education of the voters well before Town Meeting. Randy Scollins said all the documents regarding this report are available on the Town web site.

Discussion followed regarding retirees enrollment status – single or family coverage, participation by all Town departments, benefits for future retirees and the impact of bond rating.

**8:30 – Preliminary FY11 Budget** – Randy Scollins distributed copies of “FY11 General Fund Revenue Forecast for Operating Budgets” and “Highlights of the FY11 Operating Budgets”. Taxation to the levy was discussed. Randy Scollins pointed out that if the Town did not tax to the full 2-1/2% the impact on the budget would most likely result in reduction in services and staffing. There would be no other way to make up the loss in revenue from taxation. The tax abatement process was discussed. Randy Scollins said that once the actual tax bill is sent out, probably by May 1<sup>st</sup>, the home owner has the opportunity to file for an abatement.

The Operating Revenues and Expenses were reviewed. Randy pointed out the revised total General Revenue for FY11 as of this date is \$51,445,785. Budget requests are up by 3.3%. The fixed costs taken "right off the top" of \$12,679,295 leaves funds available for the Operating Budget of \$38,766,491. The total deficit is \$404,939 and added to that the OPEB Liability of \$1,598,048 brings the total deficit to \$2,002,987. It was noted that no COLA increases have been included in these budget figures for non-union staff or for union employees that have an open contract. Recommendations on balancing the budget would most likely be further budget cuts and resorting to reserve accounts. Randy suggested that the BOS might want to rethink the meals tax for the ATM in May. An estimate from the State on possible revenue from the proposed meals tax would be about \$460,000. He said that would go a long way toward balancing the budget. Paul Feeney called for an open meeting on a date other than the regularly scheduled BOS meetings so that people could come to discuss the budget and to get comments and concerns from the taxpayers.

**ACTION:**

**Minutes** – The Minutes for the Board of Selectmen's Meetings of January 12 and 26, 2010 were reviewed.

Motion by Lynda Walsh to approve the Minutes of January 12, 2010 as submitted. Seconded by Lorraine Brue. **Vote: 4-0-0**

Motion by Lynda Walsh to approve the Minutes of January 26, 2010 as submitted. Seconded by Paul Mortenson. **Vote: 4-0-0**

**Request for Early Opening** – Received from Paul J. Pouliot, GM Foxborough Country Club, a request to open the bar early on February 7<sup>th</sup>, (Super Bowl) and permission to open early every Sunday, except on days when no brunch is scheduled. A brief discussion was held.

Motion by Lynda Walsh to approve the request for early opening of the bar as submitted. Seconded by Paul Mortenson. **Vote: 4-0-0**

**Donation – Gift Account** – Received from Anne & Joseph Lally a check in the amount of \$120.00 to be deposited in the Animal Control Gift Account.

Motion by Paul Mortenson to accept the gift in the amount of \$120.00 from Anne & Joseph Lally to be deposited in the Animal Control Gift Account. Seconded by Lynda Walsh. **Vote: 4-0-0**

**Streetlight Request** – Received from Virginia Sawyer, Friendly Faces Home Daycare, 205 South Street, Foxborough, a request for a streetlight to be installed on an existing pole on the corner of Walnut Street and the entrance to the Taylor School. A brief discussion was held. Andy Gala said he had visited

the site and with a light at each driveway of the school there is plenty of light. He explained that there is an existing policy regarding the installation of lights in the Town and no light is added unless the lack of light creates a safety hazard. Andy will contact Virginia Sawyer.

**Application for Keno** – Received notice from Massachusetts State Lottery Commission that Foxboro VFW Post #2626 has applied for a Keno license. Andy explained that no action was necessary unless there was an official objection. Such objection would have to be submitted to the State within twenty-one days of the date of the letter. No action was taken by the BOS.

**Request to Combine Position of Veterans' Agent and Local Inspector** – Andy Gala submitted a request that the Board vote to combine the positions of Veterans' Agent and Local Inspector. Andy explained that Thomas Wrynn, a full-time employee, would be available to better service the needs of Veterans by combining the position of Veterans' Agent and Local Inspector. This would be one full time position and would be evaluated after a period of one year to determine whether any other change of this combined position would need to be made. Andy said he had this reviewed with Town Counsel.

Motion by Paul Mortenson to approve the combined position of Veterans' Agent and Local Inspector as outlined by Andy Gala, Town Manager. Seconded by Lorraine Brue. **Vote: 4-0-0**

**New Ethics Law (Conflict of Interest Law)** – Received notice from Robert E. Cutler, Town Clerk, of a meeting with a representative from the Ethics Commission to present a seminar on changes in this law. The meeting is scheduled for February 25, 2010 in the McGinty Meeting Room. This would be of vital interest to all Board or Committee members.

## **NEW/OLD BUSINESS**

A brief discussion was held regarding a search for a replacement for Town Manager. Andy reviewed the different approaches on how to proceed with the search. The Board could appoint a search committee or they could promote from within. He suggested that this position be posted within 30 days and he would write up the ad. He would also get a list from the Massachusetts Managers Association. He said in the past the search committee consisted of five or six members. Andy submitted a list of four names as possible candidates for the committee.

Received a letter seeking support for the NCAA – LaCrosse Event. A brief discussion was held.

Motion by Lynda Walsh to authorize Paul Feeney to sign the letter in support of the NCAA event. Seconded by Paul Mortenson. **Vote: 4-0-0**

An e-mail was received from Larry Harrington regarding the possibility of arranging for a teleconference when he is out of town on business so that he might participate in the meeting. A brief discussion was held regarding how this might be interpreted under the Open Meeting Law. Andy Gala will look into this as it is likely something would have to be worked out in the future.

Lorraine Brue asked if a discussion on Goals & Objectives could be held after the budget meeting that Paul Feeney suggested.

On Tuesday, February 16<sup>th</sup> a joint meeting with W&S is scheduled to discuss water rates. The meeting will move directly into Executive Session.

Motion to adjourn by Paul Mortenson. Seconded by Lorraine Brue.  
**Vote: 4-0-0** Meeting adjourned at 10:00 p.m.

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Paul Mortenson, Clerk