

**SELECTMEN'S MEETING MINUTES**  
**February 23, 2010**

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

Others Present: Andy Gala, Town Manager  
Attorney Paul DeRensis  
Jack Authelet, Historian, Kerr Carpenter Haigis House  
Dan Murphy, VP Business Development, Gillette Stadium  
Joel Angelico, Stadium Advisory Committee  
Ed Wiederhold and Dave McGillvary, HP 10K Race  
Marc Resnick, Town Planner  
Bill Grieder, Planning Board  
Bob Swanson, Highway Superintendent  
Jerry Cirillo, Library Director  
Jeff Lovely, Chairman, Library Trustees

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

**7:00 – Citizens Input** – Jack Authelet came before the Board seeking support for a Presentation/Restoration nomination for consideration by the State Historical Commission for the Kerr Carpenter Haigis House. He prepared a letter of support and asked for the signatures of the Board. The deadline for submitting is March 1, 2010. A brief discussion was held.

Motion by Lynda Walsh to sign the letter in support of a Preservation/Restoration nomination for the Kerr Carpenter Haigis House. Seconded by Larry Harrington. **Vote: 5-0-0**

Jack reported that the last part of documentation has been received regarding the unmarked grave behind the old State hospital. This allows the local authorities to do a proper burial in the cemetery on Cross Street.

Larry Merigan, 304 Central Street, came before the Board to express his concerns about the transport of contaminated soil being taken away from the area. These trucks would be coming from the Hatheway/Patterson Site on County Street, onto Central and over Judge Warren Drive. He is concerned about residue of contaminated soil on truck wheels and leakage from the truck body even with a tarp covering the load. He also expressed concern about the increased traffic through an intersection that he considers “notorious” for accidents. The extended hours being requested would have the trucks moving

through the area at rush hour. He pointed out that there used to be sign on Judge Warren Drive indicating “No Through Trucking”. The sign is no longer there. Bob Swanson said although he did not remember the sign being there, he would look into the matter. Mr. Merigan’s main concern is contaminated soil on the streets of Foxborough and safety at the intersection.

Others who spoke of their concerns about this issue included Linda McGovern and Ellen Merigan. Their concerns were about possible contamination, traffic, trucks moving “pretty fast” and the wear and tear of the roads.

Ron Young, Lafayette House, came before the Board to express his concerns about the local meals tax. He said it had come before the Town twice before and was voted down; he feels the Town is not listening to the voters if it is put back up for discussion. He said this tax would surely affect the businesses in Town; customers would just go to another Town that is not willing to impose an additional tax on their residents. Larry Harrington commented on this issue. He pointed out that it becomes a question of whether or not to increase taxes or to level fund the budget. The question is, where is the money from this added tax going to be spent. He would like to have more public discussion on the tax and its impact. Paul Feeney explained that this is why he scheduled a meeting to discuss the budget so that taxpayers could have an opportunity to express their concerns. He does not support putting this on the 2010 ATM Warrant at this time. Paul Mortenson said he would support putting this on the Warrant as he feels it is a good thing for the Town; one that would be most beneficial for the people of Foxborough. In terms of level funding, he pointed out that without adequate resources, layoffs could be the end result. He is looking forward to having further discussions on this tax.

Chairman Feeney asked to move to the Action list for Item #7 – Foxborough Alcohol & Drug Prevention Coalition. Janet Fisher was present to explain the objectives of the Coalition as it pertains to the Town. She asked that a member of the BOS be appointed to serve on the coalition. The purpose of the coalition is to develop prevention strategies to address underage drinking and substance abuse. Funding to support the coalition over the first two years is through a \$150,000 Federal Drug Free Communities Mentoring Grant. Foxborough would be working in partnership with the Town of Stoughton. A brief discussion was held. Lynda Walsh and Paul Mortenson both expressed interest in serving on this Coalition.

Motion by Paul Mortenson to nominate Lynda Walsh as BOS representative for the Foxborough Alcohol & Drug Prevention Coalition. Seconded by Larry Harrington. **Vote: 5-0-0**

**7:45 – Public Hearing – N.E. Country Music Festival at Gillette Stadium –** Paul Mortenson read the Public Hearing notice. The purpose of this Public

Hearing was to discuss the application for the 7<sup>th</sup> New England Country Music Festival at Gillette Stadium as submitted by NPS LLC d.b.a. Gillette Stadium. The event is scheduled for August 21, 2010; the primary act is Brad Paisley with start time 5:00 p.m. ending at 11:15 p.m.

Dan Murphy gave a brief overview of the event. Estimated attendance is less than in previous years at 45,000 all seats reserved. Dan said all paperwork has been submitted. Joel Angelico, Vice Chairman Stadium Advisory Committee, reported that the Stadium Advisory Committee had voted unanimously to recommend approval of this application, subject to approval by Chief O'Leary and Fire Chief Hatfield. He pointed out the parking lots will open at 2:00 p.m. and the gates will open at 3:30 p.m.

The BOS received communications from Police, Fire and the Health Agent all recommending approval of the application for the N.E. Country Music Festival as submitted by Gillette Stadium. Chief O'Leary and Fire Chief Hatfield were in attendance and both verbally recommended approval. A brief discussion ensued. Attorney Paul DeRensis said he would like an opportunity to present some changes in the Indemnification Agreement. He said he would like to make these changes either before or as a condition of approval of this application. Andy Gala pointed out that the change is only in one sentence. Bill Grieder cautioned the Board to make sure any changes to the agreement would not "overstep" Town Meeting vote.

Motion by Paul Mortenson to close the Public Hearing. Seconded by Lynda Walsh. **Vote: 5-0-0**

Motion by Lynda Walsh to approve the application for the 7<sup>th</sup> New England Country Music Festival, submitted by Gillette Stadium scheduled for August 21, 2010, subject to changes in the Indemnification Agreement. Seconded by Paul Mortenson. **Vote: 5-0-0**

**8:00 – Harvard Pilgrim 10K Race** – Dan Murphy reviewed the Public Event Application for the Harvard Pilgrim 10K Race to be held at Gillette Stadium. It is being organized by Dave McGillivay Sports Enterprises, Inc. It is scheduled for July 4, 2010 from 9:00 to 11:00 a.m. A map of the proposed route was included with the application, starting at the Stadium parking lot and finishing inside the Stadium. A brief discussion was held.

Motion by Lynda Walsh to approve the application for the Harvard Pilgrim 10K Race as submitted by Howard Kramer, DMSE, Inc. Seconded by Paul Mortenson. **Vote: 5-0-0**

**8:15 – Intersection Options – Payson/North/Cross Streets** – Marc Resnick, Town Planner, Bill Grieder and members of the Planning Board came before the Board to present four options for the road construction project at the intersection

of Payson/North/Cross Streets. Bill Grieder said that once a decision is made on the design, construction could hopefully begin early in the summer. Marc Resnick gave a brief background on this project. He pointed out that the goals of this project are to reduce traffic speed, reduce truck traffic and improve pedestrian safety. Plan concepts for each option were visually displayed and discussions on each were held. Bill Buckley of Bay Colony Group and Jim Coogan of the Maguire Group were present to answer any questions.

Most of the discussion was held on the details of Options 2 and 3; option 1 – the roundabout was not acceptable to the neighborhood as a solution and option 4 was to essentially do nothing but repaving, put in sidewalks and possibly traffic calming islands. Gordon Greene said he would not recommend option 2 as it puts too much of a burden on one homeowner; he suggested accepting option #3 even though, in his opinion, it is not as safe as the other options but would slow the traffic down. Chief Hatfield pointed out that the reconstruction would have little or no impact on the fire apparatus but the narrower the street the greater the impact. He definitely wants to make sure any reconstruction is not going to affect response time.

Several residents of the area including D.Solomon, E. Lawton, R. Bertoldi, were present to express their objections and suggestions regarding the plans for reconstruction. Marc Resnick took time to carefully explain that sidewalks would be put in, installation of traffic calming islands on North and Payson streets, making the intersection a four way intersection. Other issues discussed included land swaps, mitigation with regard to property, requiring a vote at Town Meeting and working with the County. Mr. Solomon said he was agreeable to the original plan for a land swap but if there is a change in direction he said he is not going to relinquish his land. After a long discussion period during which all residents present were given the opportunity to speak, a decision to make changes to option #3 that would have a lesser impact on the one homeowner's property and still address other traffic concerns. Marc Resnick was asked to come back to the Board with revisions.

**9:30 – Boyden Library Project** – Jeff Lovely, Chairman, Boyden Library Trustees, came before the Board seeking approval to get an Article and Ballot question on the May 2010 Town Meeting Warrant. He said he had been working with Andy Gala and Town Counsel on the language for the ballot question for a debt exclusion and Warrant Article. He distributed a fact sheet giving an updated financial picture of the project.

Jeff Lovely explained that the expansion has been designed to enable the library to fully function without any additional staff. He spoke about the extended opportunity to take advantage of a State grant. The Trustees are planning to make several presentations so that voters will have an opportunity to ask questions and voice concerns before Town Meeting.

Motion by Paul Mortenson to approve the Library Warrant Article language and the Library Ballot language as submitted. Seconded by Lorraine Brue.

**Vote: 5-0-0**

**9: 45 – Town Manager Search Committee Appointments** – Chairman Feeney gave a brief overview of how the Board got to the point of conducting a search committee. Andy Gala submitted a list of six candidates; he said he had not contacted all the people on the list but that some had asked to be included. Larry Harrington said he would like to see this list expanded to include the Chairman of the School Committee, Conservation Chairman, Chairman of the Planning Board; in fact to include all major boards and committees as well as a broad selection from the community. Andy Gala asked to have the Board confine the numbers to not more than ten members. Lynda Walsh felt the Board had acted too quickly when they spoke of Randy Scollins as a very good candidate and that at this point a search seems a waste because at the previous meeting all seemed agree that Randy Scollins is the right candidate. She feels the Board should promote Randy Scollins. Paul Mortenson was inclined to move forward with this process even though there is all ready a great candidate in Randy Scollins. Larry Harrington pointed out that once a decision is made publicly it cannot be taken back and it makes no sense wasting time if the Board has already made up its mind.

Paul Feeney reminded the Board that an interview with Randy Scollins was to be scheduled as they would for any other candidate to make sure he is the best candidate. Randy “pulled out” of consideration. Paul Feeney expressed concern that all this discussion has taken away from the gravity of the position the Board is trying to fill. The only thing now is to go forward with a search committee, but he would not “back down” from feeling that Randy Scollins is the best person to be the next Town Manager. Lorraine Brue said she has a great deal of respect for Randy for pulling his name from consideration at this time. She feels that the Town would do well with Randy as Town Manager, however the Board is committed to the process and should move forward immediately. A deadline should be set for the search committee to bring forward the top three candidates. Larry Harrington gave credit to Randy Scollins for withdrawing from consideration at this time. The way this was handled some people might feel it would to be a political decision. If the Board has all ready made up its mind that Randy is the best candidate and four members decide they want to choose him, Larry advised them to just go ahead. He would not vote on this out of principle.

A brief discussion was held regarding the people to be chosen for the search committee. In addition to the six names on the list submitted by Andy Gala it was recommended that Dr. Martes, Superintendent of Schools, be included.

Motion by Paul Mortenson to appoint to the search committee the following: Rebecca J Center, Personal Wage Board Chairman, Nancy H. Bacher,

Human Resources Consultant, Anthony LaChapelle, Former Selectman, Attorney Robert Cutler, Town Clerk, James DeVillis, Advisory Committee Chairman, Robert Delaney, Resident and Dr. Christopher Martes, School Superintendent contingent upon acceptance. Seconded by Lorraine Brue.

<b>Vote: 5-0-0</b>	Paul Feeney, Chairman	Yes
	Lynda Walsh, Vice Chairman	Yes
	Paul Mortenson, Clerk	Yes
	Lorraine Brue	Yes
	Larry Harrington	Yes

**ACTION:**

**Minutes** – The Minutes of the Board of Selectmen’s meeting of February 9, 2010 were reviewed.

Motion by Lynda Walsh to approve the BOS Minutes of February 9, 2010 as submitted. Seconded by Lorraine Brue.

**Vote: 4-0-1** (Larry Harrington abstained.)

**Appointment – ZBA** – Received from Kevin Penders, 2 Highland St., an application for appointment to the Zoning Board of Appeals. Andy Gala gave a brief overview of Kevin Penders qualifications for this appointment.

Motion by Lynda Walsh to approve the appointment of Kevin Penders, 2 Highland Street to the Zoning Board of Appeals with a term expiring May 1, 2010. Seconded by Larry Harrington. **Vote: 5-0-0**

**Invoice** – Received from Deutsch/Williams an Invoice for Legal Services rendered through January 31, 2010 in the amount of \$4,026.68.

Motion by Lynda Walsh to approve the Invoice from Deutsch/Williams for Legal Services rendered through January 31, 2010 in the amount of \$4,026.68 as submitted. Seconded by Paul Mortenson. **Vote: 5-0-0**

**Invoice** - Received from Collins, Loughran & Peloquin an Invoice for services rendered December 16, 2009 through January 31, 2010 in the amount of \$5,318.75.

Motion by Lynda Walsh to approve the invoice from Collins, Loughran & Peloquin for services rendered December 16, 2009 through January 31, 2010 in the amount of \$5,318.75 as submitted. Seconded by Lorraine Brue.

**Vote: 5-0-0**

**Increase Hours of Trucking – Hatheway/Patterson Site** – Received a copy of Driver Orientation Program from Severson Environmental Service Inc. relative to removal of contaminated material from the Hatheway/Patterson site. This was discussed under Citizens’ Input.

Motion by Lynda Walsh to table this item until the next BOS meeting.  
Seconded by Lorraine Brue. **Vote: 5-0-0**

**Foxborough Housing Authority** – Received from Patricia Annas notice of the resignation of Virginia Oldham from the Housing Authority.

Motion by Paul Mortenson to accept with gratitude the resignation of Virginia Oldham from the Housing Authority effective January 1, 2010.  
Seconded by Lynda Walsh. **Vote: 5-0-0**

Received notice from Robert E. Cutler, Jr., Town Clerk, that the position left vacant by the resignation of Virginia Oldham would require a special election to fill the position. He asked that this coincide with the ATM on May 3, 2010.

Motion by Paul Mortenson to approve a special election to coincide with the ATM on May 3, 2010 as requested by the Town Clerk in his letter of February 10, 2010. Seconded by Lynda Walsh. **Vote: 5-0-0**

**Temporary Appointment** – Received from Philip Rayburg a request for temporary appointment to the Housing Authority. This item is on hold until the next BOS meeting.

**Support – Westwood Station Project** – Received from Chris McKeown a request to support a regional effort to expedite construction of the I-93/I-95 Interchange at Route 128. A brief discussion was held.

Motion by Paul Mortenson to sign the letter of support with a copy being forwarded to Congressman Barney Frank as requested by Chris McKeown.  
Seconded by Lynda Walsh. **Vote: 5-0-0**

**Foxborough Country Club – Sunday hours** – Received from Paul J. Pouliot, Foxborough Country Club a request for early opening for every Sunday when a brunch is scheduled. On Sundays when no brunch is scheduled he would open at the noon hour.

Motion by Lynda Walsh to approve the request from Foxborough Country Club to open early on Sundays when a brunch is scheduled. Seconded by Larry Harrington. **Vote: 5-0-0**

**One-Day Beer and Wine License** – Received from Bill Cunningham on behalf of the Orpheum Theatre an application for a One Day Beer & Wine License for a Comedy Night scheduled for February 26, 2010.

Motion by Lynda Walsh to approve the application for a One Day Beer & Wine License as requested by the Orpheum Theatre. Seconded by Larry Harrington. **Vote: 5-0-0**

**Class II Auto License** – Received from El Hadi Addeche, 30 Wall Street, an application for a Used Car Dealers License. Andy Gala explained this license is for wholesale purposes only.

Motion by Lynda Walsh to approve the application for a Class II Auto License as submitted by El Hadi Addeche, 30 Wall Street with the caveat that no vehicles shall be kept or sold at the applicant's address. Seconded by Paul Mortenson. **Vote: 5-0-0**

**Resignation** – Received notice of resignation from Linda Mihaly as a member of the Foxborough Cultural Council effective March 1, 2010.

Motion by Larry Harrington to accept with gratitude the resignation of Linda Mihaly as submitted. Seconded by Paul Mortenson. **Vote: 5-0-0**

**Resignation** – Received from Nancy Sullivan notice of her resignation from the Council on Aging/Human Services Board.

Motion by Larry Harrington to accept with gratitude the resignation of Nancy Sullivan from the Council on Aging/Human Services Board as submitted. Seconded by Lorraine Brue. **Vote: 5-0-0**

**Committee Appointment** – Received from Vivian Pitts an application for appointment to the COA/HS Board.

Motion by Lynda Walsh to approve the appointment of Vivian Pitts to the COA/HS Board as requested. Seconded by Lorraine Brue. **Vote: 5-0-0**

**Hackie License Application** – Received from David M. Turner, 16 Kendall St., N. Attleboro, MA an application for a Hackie License to drive for Foxfield Transportation, Inc.

Motion by Paul Mortenson to approve the application for a Hackie License as submitted by David M. Turner. Seconded by Lynda Walsh. **Vote: 5-0-0**

**Sharon Triathlon** – Received from Max Performance a request to allow bike travels through the neighborhoods of Foxborough as outlined on an enclosed map in conjunction with the Sharon Triathlon scheduled for August 15, 2010.

Motion by Lynda Walsh to approve the request from Max Performance to allow bike travels through some neighborhoods in Foxborough as requested in the letter dated February 18, 2010. Seconded by Paul Mortenson. **Vote: 5-0-0**

**Gift Fund Donation** – Received from Recreation Director, Debbie Giardino notice of receipt of a check in the amount of \$200.00 from Nico Lykourinos skate part event.

Motion by Paul Mortenson to accept the donation of \$200.00 from the Nico Lykourinos Skate Park Event to be deposited in the recreation gift fund. Seconded by Lynda Walsh. **Vote: 5-0-0**

**Foxboro Cable Access** – Received from Foxboro Cable Access two checks in the amount of \$570.00 and \$2,600.00 legal fees donation.

Motion by Larry Harrington to accept the two checks in the amounts of \$570.00 and \$2,600.00 as legal fee donations from Foxboro Cable Access. Seconded by Lynda Walsh. **Vote: 5-0-0**

**Joint Pole Relocation** – Received from Nationalgrid a request for approval of a joint pole relocation on County Street. A public Hearing is scheduled for February 23, 2010.

Motion by Lynda Walsh to approve the joint pole relocation as requested by Nationalgrid. Seconded by Lorraine Brue. **Vote: 4-0-1** (Paul Feeney abstained.)

**Town Planner** – Received notice of Special Permit Hearing for 84 S. Grove Street, scheduled for 7:30 p.m., February 25, 2010. Plans were available for review.

**Town Manager – ATM Warrant Articles** - Andy Gala reviewed the list of Warrant Articles. The Operating Budget and the CIP Budget were not final. A general discussion was held.

Motion by Larry Harrington to insert the 21 Articles to the ATM Warrant as submitted. Seconded by Lynda Walsh. **Vote: 5-0-0**

Motion by Lorraine Brue to add the local option meals tax to the list of Articles on the ATM Warrant. Seconded by Paul Mortenson.

A brief discussion ensued on how the revenue from such a tax would be spent. **Vote: 2-3-0** (Larry Harrington, Paul Feeney and Lynda Walsh voted in the negative.)

Paul Feeney said he changed his vote because this tax had been rejected twice by the voters and this was a clear opportunity to respond to the wishes of those who voted at the last Town Meeting. Larry Harrington noted that for those who want the meals tax and can get the necessary signatures, there is the opportunity to put it on the Warrant by petition regardless of the vote by the BOS.

## **NEW/OLD BUSINESS**

Andy Gala gave a brief update on Town Hall renovation. He said there would be no expansion of the footprint of the building. There is an account set up with mitigation funds that would be used towards the renovation.

A lengthy exchange of opinions were spoken regarding recent columns published in the newspaper. At issue was the inference that the Chairman of the Board had broken the open meeting law and it was not discussed during a regular meeting, the lack of leadership or collaboration within the Board as seen by one member, the negative tone of the articles, efforts to try to get people interested in voting at the ATM and the differences of opinion as they are or are not resolved within the precepts of the Board.

Chairman Feeney announced an open meeting to be held of March 6, 2010 from 1:00 to 2:00 p.m. with no agenda but an open forum for residents to talk about the budget.

Meeting adjourned at 11:45 p.m.

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Paul Mortenson, Clerk