

SELECTMEN'S MEETING MINUTES
January 12, 2010

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

Others Present: Andy Gala, Town Manager
Randy Scollins, Finance Director
Attorney Paul DeRensis, Town Counsel
Leo Potter, W&S Superintendent
Phil Henderson, Rene Olsen and Mike Stanton,
W&S Commissioners
Jonathan Brucks
Representative Jay Barrows

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

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

Andy Gala gave official notice of his resignation as Town Manager after 30+ years of service. He wanted to give the Board enough time to search and hire a successor.

7:05 – Water & Sewer Commissioners – Phil Henderson, Rene Olsen and Mike Stanton came before the Board to discuss negotiating strategies. Phil Henderson distributed copies of a list of strategies as a guideline on where negotiations are now and how to move forward –*“High Level Components of Foxborough Sewer Strategy”*. He explained that the W&S Commissioners had met with the Board on Friday, Jan.8th and that this meeting was a continuation of those discussions. A meeting of the Commissioners was held on Jan. 11th to discuss these issues. He said these meetings are an opportunity to discuss the long term needs relating to the sewer issues.

Phil reviewed and briefly commented on each item on the list of strategies. He spoke briefly about legislation to establish a Regional Sewer District and Home Rule Authority for the Town. One of the main goals is to purchase flow into the Regional Sewer District; this would be in addition to the existing flow. W&S would be looking to bring this before the voters at the Town Meeting in the spring. The Commission is trying to build an infrastructure not just for immediate needs but for the next 20 or 30 years.

Mike Stanton apologized to the Board in that he would have to leave the meeting early. He came with prepared comments.

“We thank the Board for their support for the expansion of the Town’s sewer system. We understand and share the BOS concerns that certain performance standards are necessary if the BWSC Work Group is to be successful. We agree that the preliminary BWSC Work Group meetings must outline what needs to be achieved and why, prior to any substantial discussions to amend existing Water Supply and Wastewater infrastructure Agreement (WSW) with NPP Development.

At a MINIMUM, the goal is to have the Town Meeting voters agree to transfer the value of the Route One Sewer agreement to a regional authority. Our objective:

- 1) Town Meeting approval for the Operational Documents “checks and balances” as to how the Sewer Districts are created and approved at future Town meetings.
- 2) Town meeting approval to petition the State for Home Rule to create the Sewer Districts.
- 3) Town meeting approval to enter into the Regional Sewer Authority.

To achieve this objective, the BWSC needs to propose a rational plan to self fund the plant “buy in”, and sufficient initial pipe work to make the system economically functional. Additionally, a contingency plan needs to be ready should the Town’s people choose to scale back the plan or never approves future infrastructure.

This is easier said than done, but it is too important to the long term future of the Town of Foxborough and in particular to the citizens who are presently in desperate need of relief.”

A discussion ensued. Mike Stanton briefly explained a very complicated billing process if this is approved at Town Meeting. He pointed out that those who have been “on” for a long time would see a reduction in their present bill under this proposal. A new form of bill would be used that is much like the utilities bill where charges such as maintenance and repair would be listed separately; all costs would be reflected on the bill. This is a very complicated issue and is something that is going to be worked on for some time. It will be a decision based on what is fair and equitable. Lorraine Brue pointed out the Home Rule legislation would be very important to the plan because many people feel that all the authority is laid out and there would be no ability for the voters to have any voice in where the sewer would go. Phil Henderson said Home Rule gives a lot more power to Town Meeting vote. This would all go through the public hearing process and be put to voters at Town Meeting. He said establishing rates would be a long process and there would be review and input from many others including the Board of Health and the Town Manager. There are all these mechanisms for the protection of the Town. Lorraine Brue said it is important to get the support of the Advisory Committee and suggested BWSC go before the Advisory Committee as early as possible.

A further discussion was held regarding the value of a plant on Patriot property and confusion on the cost to the Town vs. the cost to NPP. – 10+M or 7.5M. Phil Henderson pointed out that the cost would be more for the Town because it would be built on Patriot's property and possible differences in construction costs. Larry Harrington suggested possible negotiation for cash in lieu of building a plant, what the value of that would be and that it could then be used to help defray costs related to the sewer program. Phil explained that there are three parts to the original agreement and if one part of that is altered, that agreement would no longer exist. He pointed out that any agreement on the plant would not end negotiations with NPP as there are other options on the table. He said they are still interested in the Route 1 area and the long term development there. Larry noted there has been a lot of discussion regarding the value of advertising on the water tower and how might that impact on the negotiating strategies. Phil said he is satisfied with the concept of the signage agreement; that there is a revenue stream coming into the Water Dept. Rene Olsen said in reflecting back to when the agreement was approved, she was very willing to have the Patriot's in charge rather than having the Town getting into the advertising business. She is not interested in taking over the advertising particularly with the revenue that is now coming into the Water Dept.

Randy Scollins pointed out that this is a very complex topic that has many different components. He feels there is 90% agreement on all the major components and very close to consensus among the Town officials. He felt uncomfortable discussing some of the things that he felt could jeopardize what the Town is trying to do and suggested that Executive Session would be appropriate for any further discussion. Attorney DeRensis pointed out that discussion on the value of real property under the rights of the agreement could have a detrimental effect on the Town's negotiating efforts. Larry Harrington said it is important to clarify that there are two separate things that are interrelated and if the Town takes back the signage revenue everything else in the agreement is off the table. It is important to share the facts with W&S and that all five members of the BOS have the facts from Town Counsel. He felt that anything said at this meeting would not jeopardize what direction the Board would give to W&S. He suggested that to make sure everyone gets all the information should the BOS continue with liaisons or have full Board to Board meetings.

Motion by Larry Harrington to rescind the liaison appointments to Water & Sewer and to conduct further Board discussions collectively. Seconded by Lynda Walsh.

Vote: 2-3-0 Larry Harrington and Lynda Walsh – affirmative.
Lorraine Brue, Paul Mortenson and Paul Feeney – negative.

Paul Feeney said the liaison system works well and that it is contingent upon the Board to give direction to the liaisons. Attorney DeRensis said relative to the value of real estate a lot of the issues are not within the purview of Executive Session; 80% of what needs to be done should be done in public sessions.

Representative Barrows pointed out that Norton and Mansfield are anxious to move ahead with the Regional Sewer district as soon as the Town of Foxborough makes a real commitment. Requests will be made for Federal and State help. This is an opportunity to take a leading role to regionalize and get things done.

8:05 – Air Quality Report – In response to a directive from the Department of Labor, Andy Gala distributed a list of corrective actions taken to address air quality in the Town Hall building. He said there are no unsafe conditions in the Town Hall at this time. He went through each item and explained the findings and action taken. A brief discussion ensued.

8:15 – Succession Planning – Andy Gala made it official; he is going to retire in July, 2010. He is not interested in re-negotiating his contract. He said it has been a pleasure to serve the Town of Foxborough. He is willing to help with the search process at any appropriate level. Larry Harrington said it is important to have a broad section of people on the search committee. Paul Feeney suggested that there are various options and it is advisable for the next meeting to invite someone from the Board of Selectmen's Association for discussion. Attorney DeRensis said there is a handbook available that describes the process for hiring Town Administrator and/or Town Manager.

ACTION:

Minutes: The Minutes for the Board of Selectmen's Meetings of December 22, 2009 and December 29, 2009 were reviewed.

Motion by Larry Harrington to approve the Minutes of the Meeting of December 22, 2009 as written. Seconded by Paul Mortenson. **Vote: 5-0-0**

Motion by Paul Mortenson to approve the Minutes of the Meeting of December 29, 2009 as written. Seconded by Lynda Walsh. **Vote: 5-0-0**

Invoice – Received from Attorney Peter J. Epstein an invoice in the amount of \$570.00 for services rendered during the month of December in reference to Cable Television Licensing.

Motion by Paul Mortenson to approve the invoice in the amount of \$570.00 as received from Attorney Peter Epstein. Seconded by Lorraine Brue.

Vote: 5-0-0

Donation – Received from David and Arlene Crimmins a donation of \$200.00 to the Memorial Hall Lighting Fund.

Motion by Larry Harrington to accept with gratitude the donation from David and Arlene Crimmins in the amount of \$200.00. Seconded by Lynda Walsh.

Vote: 5-0-0

Grant Award – Received from Vicki Lowe, C.O.A. Director, notice of the receipt of an award in the amount of \$1000.00 from the Pfizer Foundation Volunteer Program to support programs.

Motion by Larry Harrington to accept with gratitude the check in the amount of \$1,000 a grant from Pfizer Foundation Volunteer Program to support volunteer programs. Seconded by Paul Mortenson. **Vote: 5-0-0**

9/11 Mini-grant – Received notice from the Historical Commission, Chairman Robert Hicks, of receipt of an award from Harvard Pilgrim Health Care Foundation in the amount of \$500.00.

Motion by Paul Mortenson to accept with gratitude the award of \$500.00 in honor of Kenneth Bryant to the Foxborough Historical Commission. Seconded by Larry Harrington. **Vote: 5-0-0**

Insurance Advisory Committee – Andy Gala submitted recommendations of Vivian Pitts, 45 North Grove Street and James Caffin, 16 Leonard Street to fill vacancies on the Insurance Advisory Committee.

Motion by Paul Mortenson to appoint Vivian Pitts and James Caffin to the Insurance Advisory Committee for a term exiring May 01, 2010 as recommended by Andy Gala, Town Manager. Seconded by Lynda Walsh. **Vote: 5-0-0**

2009 Annual Reports – Andy Gala reminded the Board that the 2009 Annual Report is due Friday, February 5, 2010 before 12:30 PM. and Warrant Articles for the May 10, 2010 Annual Town Meeting must be submitted by February 15, 2010.

NEW/OLD BUSINESS

Andy Gala commended Sandra Herrmann and Chris Shewry for an outstanding job getting all the licenses ready to be signed by the Board. \$270,000 collected from all local licenses.

The Audit Committee will meet later in the week. The unfunded liability insurance will be on the agenda for discussion at the next meeting.

Motion to adjourn by Paul Mortenson. Seconded by Lynda Walsh. **Vote: 5-0-0**

Meeting adjourned at 9:50 p.m.

Paul Mortenson, Clerk