

Tuesday, February 16, 2021
Board of Selectmen Meeting Minutes
Virtual Meeting
7:00 p.m.

Members Present: Mark Elfman, Chair*
Ed O’Leary, Vice Chair*
Stephanie McGowan, Clerk*
Leah Gibson*
Chris Mitchell*

Also Present:
William Keegan Jr., Town Manager*
Mike Johns, Assistant Town Manager*
Christina Metcalf, Community Info. Specialist*
*Attended remotely

1. 7:00pm - Citizen's Input – Seth Ferguson* 23 Bird Street

SF - Over the last couple of snow storms this winter, in mostly uptown and Common area there have been a lot of blocked access ways and walkways. The sidewalk near the auto parts, the sidewalk near Union Straw and other sidewalks blocked because they are unattended to by the owner or plows have plowed the snow onto the sidewalk. This is causing people to have to walk in the street or climb over snow banks. This is a safety issue, especially for children, seniors or people with pets. This goes to the walkability around town and be able to access business in the Uptown areas. With the walkways blocked this can be a challenge. I brought this hear to see what steps we can take to rectify this and to see what you think about this.

ME – Thank you Seth, even though we can’t say much because of public input, I will say this. I am a downtown person like you are and it seems like it can take a while to clear spaces around the rotary, noticeably on the north side of the common recently.

BK – If people recall, we’ve had storm on top of storms making it hard to get to all the priority areas. The priority sidewalks are the ones towards schools and school routes. With that we could get some areas addressed sooner, we do have do snow removal at night so we don’t interfere with traffic and there is the cost to consider when removing snow as well. I will take this up with Chris Gallagher and his crew to see how we can remedy this.

SF – One thing that I would mention, looking at the by-law, it mentions that it can’t plow if there is a tree in the way. Maybe we look at instead of pushing that up against the tree just leaving it to the people walking to push it down. Thank you for the time and seems like the right steps will be taken.

2. 7:10pm COVID-19 Informational update

We will be getting reports directly from our Director of Public Health. There have been over 950,000 number of vaccinations in Massachusetts and that a third of those vaccinations have happened in the last week. All groups in Phase I and Phase II group 1 are now eligible to receive vaccine. The state is continuing to add appointments at mass vaccinations sites as well as pharmacy appointments and community health centers. You can register online for a vaccine or call 211 to get an appointment scheduled. Any person who is a caretaker and accompanies a person 75 years old can also be schedule to get a vaccine.

There are 29 new Covid-19 variant (B117 variant) cases in Massachusetts. The CDC has stated that the best defense against Covid-19 is continue wearing a properly fitted mask, social distancing, avoiding groups, getting tested and getting vaccinated when it is your turn. Foxborough is currently in the red category. We have 41.2 cases per 100,000. Our numbers have continued to decline even though we are still in the red. We had 55 cases in Foxborough as we continue to trend down we should be in the yellow category in a week or two.

3. 7:15pm Historic District Commission - New Appointment – Tom Kraus*, Sean Barrett*, Patricia Selby*

Tom Kraus – We were here a few weeks ago and are back to bring on a 5th member. Sean Barrett who is an architect and I’ll let him introduce himself.

SB – My wife and I have lived in Foxborough for about 5 years and have opened and operated our architecture firm. I specialize in historical architecture. I’ve been looking for a way to give back and when reached out to it seemed like a good fit.

Motion to appoint Sean Barrett to the Historic District Commission for a term to end May 1, 2023 by S. McGowan, 2nd by C. Mitchell.

Discussion: LG – This group could use some help online, some of the members listed are from a while ago.

Patricia Selby – I've been working with Christina on multiple boards, throwing a lot at her and despite appearing to be superwoman is only one person. She knows and we wanted to get everyone on before we had her change it twice.

LG – Is 5 people a full committee for you?

TK – Yes, it is.

Roll Call Vote: Roll Call: CM – Yes, SM – Yes, ME – Yes, EO – Yes, LG – Yes. Approved 5-0.

4. 7:20pm - Shaking Crab - All Alcohol, Common Victualler & 7 Day Entertainment License- Meihuei Hu*, Nick Hu*
Public Hearing opened.

Meihuei Hu – Good evening, my client and proposed manager, Nick Hu, is also here.

Nick Hu – The Shaking Crab is a Cajun seafood restaurant and believe that it is a good place that doesn't have something similar in the area. The majority of our sales is seafood with about 10% of it being alcohol sales. We would be in the former Moe's space next to Starbucks at Foxborough Forbes Crossing. We're making a few renovations and painting to make a new Shaking Crab location. I have all the liquor certifications.

CM – You have no building permit but you are doing renovations and painting.

NW – You don't need a building permit to paint. With the way the old Moe's is set up is a good location and don't need to do too much. It's a great opportunity with not a lot of initial investment to open, because everything is already there.

CM – I commend you for opening a business during a pandemic.

LG – Have you handled a liquor license before, are you TIPS certified?

NW – We opened a Shaking Crab in Newton and I was the liquor license manager there before coming here.

BK – What is your timetable for getting started?

NW – Our work is contingent on this license getting approved and then we'll get this done later this month and finish in March and open by April.

LG – On the liquor license application, part 6B, having previously held interest in alcoholic beverage that it says there is none.

NW – The last one was under my partners and this one is under my name.

MW – From my perspective previously disclosed licenses are disclosed in 6A as an attachment. 6B is for licenses that have been sold or terminated that he owned in the past, which none of them had. His current business are all open.

BK – Can you please clean up the application to be clear about that and

ME – There is a program in Foxborough called Fox Cares that is a group of people that talk about best practices and other issues regarding best practices with alcohol.

SM – Have you had any other violations in any of your other establishments? All employees will be TIPS certified as well?

NW – No violations and everyone will be TIPS certified before serving.

Motion to close the public hearing by E. O'Leary 2nd by C. Mitchell.

Roll Call Vote: CM – Yes, SM – Yes, ME – Yes, EO – Yes, LG – Yes. Approved, 5-0.

Motion approve the 2021 All Alcohol, Common Victualler and 7 Day Entertainment Licenses for SC Foxborough LLC d/b/a Shaking Crab by S. McGowan, 2nd by C. Mitchell.

Roll Call Vote: Roll Call: CM – Yes, SM – Yes, ME – Yes, EO – Yes, LG – Yes. Approved, 5-0.

5. 7:30pm Dept. Head Update - Building Department - Building Commissioner Barry Ringler*

BR – The first couple of months have been great. It has been business as usual. Getting all the permit applications. Doing inspections as well as town building inspections including the Burrell School. They are doing a big push for the permanent opening instead of a temporary one. Instead of replacing the piping down the hallways they have figured out another way to do it and be able to be faster and better. There is a new permit for Patriot Place for a wind tunnel. We have an online permitting which is working great. The online system lessens the amount of paper we have to transfer to the online program.

LG – Welcome and as we move forward keeping in mind and making a plan for a continuity.

BR – This is great and I happy to be here.

BK – We are glad he is here.

6. 7:50pm Annual Town Meeting Warrant Review

We have total of 22 articles plus 2 citizen petition articles currently. Annual Town Meeting is currently scheduled for May 10th. Currently will have the meeting at the high school, whether it's indoors or outdoors is to be determined.

The first 3 articles are the standard 3 we vote on every year. The 4 article is the operating budget and we are currently working on that. The 5th article is the CIP budget, we'll have our CIP meeting in March and see what we can do and what we can delay until the fall or next fiscal year. The revolving fund for spending limits is the 6th article. We have an amended for borrowing article 23. There are 4 contracts that we anticipate to be ready but not guaranteed. The Singular Wireless article is regarding space on the public safety tower. We've done it with AT&T a few years ago. Because it is town property is why it's going on the warrant. The land transfer off of Oak Street for the Conservation Commission for almost 30 acres of land for conservation. The land transfer for the water department is another piece of land off of Oak Street from the water department to the Town. Article 16 is the stretch energy code and this is a step in the direction of achieving a Green Community status. Article 17 is the sewer district revision is adding 96 Mechanic Street to the sewer system. The floodplain overlay district bylaw and was recommended to us by Core Engineers. Article 19 is cleaning up the boundaries of the Historical district. Article 20 is a correction to table of uses for assisted living. Article 21 is regarding Congdon way to accept it as a public way. Article 20 is a citizen petition regarding Advisory Committee. This would add a 4th committee to review the budget. Article 23 is another citizen petition regarding taxes at 0 Twilight Drive. We agree that we should do this but we are not sure that this should be the way to resolve it. If we can resolve it then we would just indefinitely postpone it.

CM – We should try to resolve Article 23 before the meeting.

BK – We have talked to them and suggested they apply for an abatement. We also encourage anyone else to apply now for an abatement.

LG – It might be a hard thing for this person to get those records from that far back.

BK – We have the information in our records and should be able to work this out, fix and move on. There is nobody currently in the assessor's office from that far back.

7. 8:20pm Special Town Meeting Warrant

ME – Can you explain why and how we will do the special town meeting?

BK – We need to have a special town meeting to resolve these few issues that happened within this fiscal year. The Annual Town meeting will be called to order and then adjourned and call the Special Town Meeting to order. This Special Town meeting would be for 4 articles for the contracts and revolving fund that are for this fiscal year. I would recommend that you open the warrant tonight, close it on March 2nd and then we would review the warrant at our next meeting.

LG – It makes sense now that we are opening the warrant now and will see the draft next meeting.

BK – If you want an article on a special town meeting warrant you need 100 signatures, if regular town meeting you just need 10 signatures.

CM – If it is our Town meeting and we call the special. Can we have the special town meeting start at 7:00 and the Annual Start at 7:30pm?

BK - We can bring the Town Moderator in to explain how the mechanics would work.

Motion to open a Special Town Meeting Warrant within the May 10, 2021 Annual Town Meeting on February 16, 2021 and for the Special Town Meeting Warrant to close on March 2, 2021 at 4:00pm

Discussion:

LG – We have verified that with Frank and Bob that this is the right timing?

BK – Yes, we have.

0Roll Call Vote: Roll Call: CM – Yes, SM – Yes, ME – Yes, EO – Yes, LG – Yes.

8. 8:25pm - FY22 Budget and Timeline Update

BK – There was some confusion at the Ad Comm meeting last week. There have been no votes on the budget as of yet. You have seen and considered it. The CIP meeting requests have gone to the CIP Committee. Saturday March 6th the CIP Committee will meet. March 16th the BOS can review and the Ad Comm can vote after that. Friday March 26th, the budget will be distributed. Tuesday March 30th the Board will vote on it.

LG – The Ad Comm was told that the BOS had a meeting and took a vote to have the budget at the 2.5% increase. That is not necessarily true. We had the financial summit. I wanted to clarify that we hadn't taken a vote to give a direction on the budget. If the budget timeline has changed then we need to see that in writing

BK – That was the reason for the Financial Summit meeting. The assumption was made, without feedback after the financial summit, which we presented a 2.5% increase. We did the Financial Summit so we could then give direction to our department heads. We may be able to reduce some of our reserve money towards the budget because some other numbers came in higher than we expected.

LG – That's right. I didn't want Ad Comm to think that there was another meeting that they weren't a part of that we were and this clarifies that.

BK – I did present the budget back in January 26th. And there was no indication to make any changes at that point. If there are issues that you would like to discuss please bring it up sooner than later. We are in a good place. The only number we don't know at this time is the Southeastern Regional School number. We estimated that high at 7.5%.

LG – Going forward, every year we should have the same process. Because of Covid we didn't have the regular meeting with all of 3 boards in the room.

BK – This was more of a how do we survive this year mode. We looked at it to maintain services. And we aren't going to grow the budget because we.

LG – The direction isn't to dial the budget up 2.5% every year. As part of the goals to have department heads look at budgets and try to reduce costs.

BK – The budget contains areas that we have 0% increases. We didn't raise the budget 2.5% automatically. If we could reduce areas we did.

SM – I think as a Board we didn't have that discussion and even though it was verbally said at the summit. We weren't all in the room at that summit. What makes me a little nervous is that we keep digging into free cash. Because this is my first budget on this board, that department heads don't come in front of this board.

BK – Only if you request them to appear. You can see from the document itself was pretty lean. We had to increase fire budgets because the firefighter grants that ran out this year.

SM – The process that happens in Advisory Committee is completely different and more in depth.

LG – We just need to go to Ad Comm. We are lucky to have it on TV.

SM – I don't think that Board members attend very often.

ME –It is incumbent upon us to listen in on those meetings and go to the ones that you need more information on.

SM – I sat on the Ad Comm for 3 years and not that many Board of Selectmen were at those meetings. I think it's great that we can watch at home. In the past there weren't a lot of Board of Selectmen that were there when budgets were being presented.

ME - Ed and Chris and I have been to many Ad Comm meetings.

CM – If you are saying that if you don't go to Ad Com you aren't doing your due diligence. If I had a question I would ask Bill and go to Roger or the police chief. It doesn't have to be that you go to Ad Comm to go through and review and be comfortable with the budget.

SM – I would agree with you, I just thought the process was a little bit different. I wasn't saying it to be disrespectful to anybody on this board or any other board.

BK – You heard from all of your department heads this year which has been different from previous years. There is a line between overkill and underkill. If you have questions, you can bring that department in front of the Board.

LG – Tonight is a good example, we attended Ad Com and brought something here tonight and it worked.

9. 8:35pm Assistant Town Manager's Update – No update tonight.

10. 8:45pm Town Manager's Update

- I have letter before you that the Government Finance Officers Association to send a letter of support to their congressmen and senators for federal aid. Before I send it to them I wanted to have you all review and approve the letter.

CM – Will you send 3 separate letters?

BK – Yes.

LG – Any issues with us attending should we post?

BK – Not necessary because you are just attending and not deliberating anything?

3 donations - \$100 to Veteran Services from the Foxboro Knights of Columbus, \$70 to the Foxborough Cultural Council from Tote Bag fundraiser profits, and \$60 to the COA from Jill, Gwen and Phillip Fournier in memory of Marin Kennedy for programs & services for Seniors

- We have received \$7,200 from the State Cultural Council for Foxborough Cultural Council Projects.

11. 8:55pm - Selectmen's Update

11.1 New Business – LG -Wayfinding signs will be going to fabrication.

ME -This is town election time, you can pull papers until March 15th and submit them by 5pm on March 15th.

LG – We should also advertise Boards and Committee openings as well, on any one that will have openings.

Christina Metcalf – Nominations papers must be signed in person as there are no Covid provisions in place.

BK – Will be talking to Representative Barrows to see what can be done about this.

11.2 Old Business - None

12. Action Items

12.1 Police - Approve \$1,125 Tuition Reimbursement for Det. Bohnenberger

Motion to approve tuition reimbursement to Detective Mark Bohnenberger in the amount of \$1,125.00 by S. McGowan, 2nd by C. Mitchell.

Roll Call Vote: Roll Call: CM – Yes, SM – Yes, ME – Yes, EO – Yes, LG – Yes.

12.2 BOS - Approval of Board of Selectmen Meeting Minutes for January 5, 2021

Motion to approve the Board of Selectmen January 5, 2021 Meeting Minutes by S. McGowan, 2nd by C. Mitchell.

Roll Call Vote: Roll Call: CM – Yes, SM – Yes, ME – Yes, EO – Yes, LG – Yes.

13. Adjourn

Motion to adjourn by S. McGowan, 2nd by C. Mitchell.

Roll Call Vote: Roll Call: CM – Yes, SM – Yes, ME – Yes, EO – Yes, LG – Yes.