

Tuesday, October 26, 2021
Board of Selectmen Meeting Minutes
Gala Room, Town Hall
7:00 p.m.

Members Present: Leah Gibson, Chair
Stephanie McGowan, Vice Chair
Seth Ferguson, Clerk
Ed O'Leary
Mark Elfman

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

1. 6:30pm Executive Session

1.1 BOS Vote to Approve and Release/Not Release Executive Session Meeting Minutes for 2/4/20, 8/4/20, 12/1/20, 2/2/21, 3/30/21, 8/31/21 and 9/28/21

Motion to enter into Executive Session to discuss and vote to accept and release or not release Executive Session Meeting Minutes for 2/4/20, 8/4/20, 12/1/20, 2/2/21, 3/30/21, 8/31/21 and 9/28/21 and to reconvene in Open Session by S. Ferguson, 2nd by M. Elfman.

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

2. 7:00pm - Citizen's Input – No input

3. 7:05pm Foxborough Commission on Disability Awards Presentation - FCOD Chair Sue Collins to present Above and Beyond Award to McDonald's Restaurant and Sheri Gallagher

Each year the Foxborough Commission on Disability gives out Above and Beyond Awards to recognize those who make a positive difference in the lives of people with disabilities. One award goes to a business and one to an individual. The 2021 award recipients are; Business Award - McDonald's Restaurant and the Individual Award - Foxborough resident Sheri Gallagher

Business Award winner: McDonald's Restaurant on Route 1 at North Street in Foxborough. Amy Gagnon, General Manager of the Foxborough McDonald's, has two employees with Intellectual Disabilities working at her restaurant. One has been with the company for over 5 years and the second young man a little less. Ms. Gagnon reports that they are hard workers and valued employees. She feels strongly that businesses should be open-minded and flexible when hiring, and not overlook potential terrific employees. Both young men participate in a vocational program sponsored by the Massachusetts Department of Developmental Services (DDS). The program is facilitated by HMEA, located in Plainville. HMEA seeks out area businesses with job openings and matches up individuals in the program with jobs in the community. The Foxborough Commission on Disability is pleased to recognize the McDonalds restaurant for their commitment to improving the lives of people with disabilities.

Individual award winner: Local resident Sheri Gallagher - Sheri Gallagher is a caring daughter who put her life on hold for a year to take care of her mother. Sheri's mother Susan suffered a medical event that left her paralyzed from the waist down. After a stint in the hospital and then in a rehabilitation facility, Susan moved in with her daughter and grandchildren. Sheri had to decline a job opportunity because Susan's care required all of her time. Sheri and her daughters nursed Susan for over a year - providing round the clock care, administering medication, transporting her to and from medical and physical therapy appointments. Sheri has demonstrated an admirably unselfish attitude that exemplifies going Above and Beyond. The Foxborough Commission on Disability is pleased to present this award to Sheri Gallagher.

4. 7:15pm Veterans' Services - Veterans Day Event - Director of Veterans' Services/VSO Ally Rodriguez to update BOS on Veterans Day Event

This year we will have Paralympian Joel Hunt speaking, we have the 215th Army Band playing, and Sarcastic Swine will be catering after the event with some entertainment during the lunch afterwards. It will be at the Ahern Middle School, doors opening at 10:30 and program begins at 11:00am.

5. 7:20pm Town Clerk - Updated Precinct Map for Foxborough & Special Town Meeting Information

5.1 Approval of the updated precinct map for the Town of Foxborough presented by Town Clerk Robert Cutler

RC – There are several changes in the Foxborough voter precinct map. This had to happen because our population increased and in order to keep the variants for each precinct with 5% difference. Only one of the precincts were different so this is why we had to change the map. We could have lost a precinct but they voted last week to keep a precinct in Foxborough so that will no longer be a problem. GIS Specialist Ryan Norton and I went through the maps and we had to finalize this by the end of the month.

BK – Bob had reached out the legislative delegation on the matter of possibly losing a precinct and they helped considerably in the process and the position was changed.

RC – They were basing the redistricting plans on 2010 maps instead of the current maps. We would have a problem and had to split precinct to and have two separate ballots.

Motion to accept the re-precincting plan for the Town of Foxborough as updated by the Town Clerk by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

5.2 Special Town Meeting details and logistics – We are asking for everyone to take the precautions they are comfortable with. We do not fall under their policy because it is voting and we can't enforce masks. We are going to recommend masks but not require them. I'm not as worried about spacing as before. You cannot require a mask for voting purposes. We will have masks and hand sanitizer available.

LG – We should also ask Ally regarding the Veteran's Day program what they have for a mask policy.

6. 7:25pm DPW Director Chris Gallagher and Town Engineer Lance DelPriore to give update on DPW including Highway, Tree & Park, Equipment Maintenance Divisions and Water Department

Public Works_Makes it Happen. We have 5 different divisions of DPW- Highway, Tree & Park, Equipment Maintenance, Water & Sewer and Engineering. Our 5 person administrative staff that are the back bone and support all of the divisions. Highway is the Swiss army knife of the town. There are 8 field staff and 2 administrative staff. Highway rebuilds drainage structures. Highway oversees the ADA Transition Plan. We have upgraded 24 ramps, we have 583 curb ramps in town with 493 ramps in town not ADA compliant and are working to be 100% compliant. The Common Traffic pattern was also a big project this past year. We struggled to get road paint to revert back to the angled parking and we do have it now. We are waiting on dry days to do the restriping and return the parallel parking. We will relocate the curbing to get the walkway after we finish with the Common Electrical work. The rumble strip will remain and that will be the divider between the parking backing out and driving lane. Common Electrical Upgrade – Conduit complete, light bases are in the ground, Electrician on site for the next 3 weeks and do all the connect work and the goal is by Thanksgiving and be able to light up the Common. We'll get some good loom in the fall and hope for good grass in the winter.

SM – Will we lose any trees on the Common?

CG – We didn't lose anything major and we now have nice straight lines of conduit and now nothing is running under any trees. Ryan Norton who runs our GIS/GPS unit, GPS located all the new electrical work which we didn't have before and now we have plan any type of future work.

Road Paving – North, Camp, McCasland, East Belcher, County, and Belcher Ct. There was an old gas trench that settled and was deteriorated on North Street. We know we have a water main replacement on Main in the upcoming year which is why we only did a portion of the street and not the whole street. East Belcher we have a widening project that we are planning as it might be the narrowest street currently in Foxborough. It's roughly \$1 million do that that work as we need to take down trees along with other work. We may be able to reduce that cost with in-house work.

Tree and Park has a 7 person staff. There is 200 acres of green space maintained, including fields, parks, and town properties. We move, some spraying for weeds. We had 40 trees removed and start removing trees around Thanksgiving and through winter when it's not snowing. We take down 70-80 foot trees. We reinstated trash removal at fields. We thank UMM (now Win Waste) along with AJ Dooley were extremely helpful during the height of the pandemic. We bought new trash barrels as the old ones didn't meet our stormwater management standards. Fall clean ups at all town facilities now that we are leaf season. We stripe fields for high school sports and that was also a challenge because there was a shortage of that paint.

Equipment maintenance has 4 mechanics. We service 78 trucks and pieces of equipment for the DPW, 38 school buses and work trucks, 31 police, 2 COA and 4 administrative vehicles for a total of 153 vehicles and registered equipment that the 4 mechanics maintain annually.

Water and Sewer – Staff of 13 Technicians and 4 administrative staff. They are licensed operators for both distribution and treatment. We have 120 miles of water main, 3 treatment plants, 13 groundwater wells, 22 miles of sewer main and 6 lift stations. An important thing that we are finishing up is unidirectional flushing. We've done this for the past 3 years, half system in fall, half system in spring. This moves the sediment in the pipe in one direction. This along with our treatment plans have lessened the amount of flushing time and shows that our treatment plants are effective.

Water Capital projects and improvements – We brought the Pumping Station Road Treatment Plant online that includes 4 new wells. Completed 3 new wells on Lamson Road.

We have plans in design to have the 3 wells on Sprague Road over to the Witch Pond treatment plant. This will allow us to use the full capacity and save the water ratepayers money. Twelve of our 13 wells are going through treatment plants and the 13th is emergency use only. The Route 1 water tank received interior and exterior renovation and is under a 15 year maintenance contract. They perform all the maintenance and drain it every 5 years. The Hill Street tank is a new 1 million gallon reservoir and will be substantially completed by December 1st. It's a redundancy, this allows us to be able to drain the 3 million gallon one and have the 1 million one and give us extra capacity in the case that we have an issue like one we had recently.

What's next? 2022 and beyond – LD - Stormwater Management can be a neglected utility. Part of the annual permit requirement we had to inspect every drainage outfall and look for dry weather flow. If there is flow after a dry 48 hours then there is testing and investigation. We didn't find anything significant and it went very smooth. We try to be on top of the catch basin cleaning, our truck is older truck and we would need to replace that at some point in the near future. We have a mandated a requirement that all the basin/sumps need to be below 50%. We take regular measurements so we know when we need to clean and know where our problem areas lie. Public education and outreach with Neponset River Watershed Association has been helpful. They help us with the outreach and do social media to help with that it's a good cost benefit for the town with what we pay into it. We need create a report

with our street and parking lot guidelines and look to reduce impervious cover. They are the regulations for green infrastructure as well. We are looking at Stormwater grant that you have talked previously about with Mike Gillette.

Dams – We have 6 emergency action plans that need to be done. We need \$300,000 for compliance reporting.

CG – Moving forward we will working on our Sidewalk Management Plan. We have become a Complete Streets community. We are still applying for grants and looking at all the sidewalk compliance, we know that we need to better maintain them. We do it better with the pavement management. In working through the process, a lot of subdivisions have large roadways and sidewalks that are not maintained, we should be working with them to be maintained. We should also look at do we need sidewalks on both sides. This would reduce impervious areas. We've talked about this and as we work toward that side and as the road commissioners the BOS should look at this as well.

SF – Beach Street?

CG – There is sidewalk the entire length of Beach Street.

One issue we have is Unaccounted for Water (UAW). The State DPE wants that to be 10%. We have been as high as 43% and we have been as low as 31%. We have people going around listening for leaks. They are able to pinpoint something as small as 5 gallons a minute. They are near a brook or nobody is losing water pressure which makes it difficult to find.

We have 5,500 residential water meters, more than 3,000 are 10 years old, which is their life expectancy. To replace the 3,000 meters that are 10 years old that will help us catch some of the UAW as well. We are looking to use the ARPA money for as well. We would hire a consultant/vendor to do that in a short time frame.

The Water budget working to include \$1 million in annual infrastructure work to include pipe rehabilitation and replacement. We are good on large projects, but we have a lot of old pipe in the ground that hasn't been replaced and now we are playing catchup and trying to build that into the existing rates for the Water Department.

PFAS is known as the Forever Chemical and includes over 5,000 chemicals. Once these chemicals get into the ground they don't go away, they move. The State has set a limit of 20 parts per trillion. We have 2 wells above that limit. One is on Route 1, the other is at Witch Pond and when blended with another it is below the limit. A lot of other towns are dealing with this and have high PFAS. They are working on PFAS treatment plants and are different from what we have now. If we had to get a treatment plant for PFAS (not the same treatment plants we already have) it would be \$10 million. This won't go away but hopefully we can hold it off as long as we can.

DPW Facility Rehabilitation/Expansion – falling in line behind town hall, public safety, and library. That building is 70 years old and has had some minor modifications. We want it to stay where we are and we want to renovate it. We need funding to get a feasibility study to what we need and should be doing and OSHA standards as well. For example we should wash vehicles inside.

Retirements - Phil Loder about a year ago Water & Sewer Division Supervisor, had been here for 30 years. Eileen Hurley, Department Administrator Water & Sewer, for 25 years was she remembers and recalls has been a world of difference for Bob Worthley. Dave LaLiberte, Tree & Park Supervisor, 49 ½ years. What Dave has done, as well as the communication, contacts and knowledge he has will be missed. It has been a joy working with him. We have 3 others that have been in Tree and Park for over 20 years which will be good once we move on.

Public Works are first responders along with Police and Fire, often the silent arm for public safety.

MJ – All our emergency safety vehicles don't get to where they are going without safe roads, trees cleared and streets plowed.

BK – Thank you to both of these guys, they do a tremendous job and they work around the clock. I am proud of what they do and I treat them same as our Police and Fire as they provide an integral service to this community.

LG – The tenure of all the people who work and are retiring show the department’s commitment and dedication to the town.

Selectmen made various comments about how integral, important, and great the DPW and its employees to the Town.

7. 8:10pm Recommendations on 2021 Special Town Meeting Articles

7.1 Board of Selectmen to take possible vote on positions and recommendations for the 2021 Special Town Meeting Warrant Articles

LG – Do we want to take a position on every article on the Special Town Meeting Warrant?

SM – We have done them all at the last Annual Town Meeting in the spring of 2021. I think it has changed over the years and we should be consistent.

LG – I want to be consistent, I’m open to see what the board says and thinks.

EO – We have 6 Zoning By-law amendments and have very minimal knowledge. I know we represent the community. I know that the people who are presenting these articles. We should put forward to the member at town meeting to vote their opinion, not our opinion.

LG – Advisory Committee (Ad Comm) has the other level that they do give their recommendations.

SM – The Board doesn’t give their recommendations only the Advisory Committee. We pulled 2 articles last year and voted them separately last year. We should be consistent and not have it change from one chair to another.

LG – Ad Comm is intended to be an independent board and they shouldn’t be looking to us.

BK – This discussion lends to that it changes and you can be flexible and it’s your warrant.

SM – I respectfully disagree.

BK – Ad Comm is required to, the BOS is not. There is no consistency.

ME – I agree with Bill, different things come up on different years. When I said it was up to the Chair to decide I meant globally. Last year we had a Citizen’s petition that came out of left field, and we should have a discussion.

SM – I know we are all in agreement that this will be at Town Meeting. There is no consistency.

ME – There is no consistency with something that comes up with a Citizen’s petition.

SM – Either people are looking for what the Board is going to recommend or they’re not.

LG - With Citizen’s petition it could be something to discuss, because it is not something the Board votes to put forward on the warrant.

SM – Why do we have to make a recommendation then?

ME – I thought it was important that we has a board last year give our opinion on the Citizen’s petition.

SF – Consistency is very low on my list of concerns about this process. I care about our role to delivery policy and law to the Town. As well as delivering the right articles to the warrant. In taking ownership of these articles, I want

to say that I think these are the right articles to go to Town Meeting. I don't feel a lot of ownership with the articles on the warrant, on the article 3 for example. I'm willing to accept that it was done in good faith, but I don't have a strong sense of ownership. I want to know if better so I know we have a strong sense and can say that I think this is what's best for the Town.

LG – If something is to be sponsored by the BOS, it needs to come to the BOS with a months' notice.

BK – You could put policy in place to govern that. If you are going to sponsor something then you should have time to vet it properly.

LG – We should have more discussion on the warrant up front.

SM – If planning or sewer brought an article do any of us see it before?

LG – I don't want to step on the toes of another elected board of the town.

SF – I feel like we should take ownership.

LG – I don't know if that our place to do that.

SF – Correct me if I'm wrong we take ownership.

BK – You want to make sure you have flexibility and define the process.

LG – Maybe this needs to be expanded and the more we have in writing on the timeline. I think we don't take a vote tonight and we can work on making sure we vet better and earlier and work with the boards who are presenting so we know those articles better.

8. 8:20pm Assistant Town Manager's Update

8.1 Recruitment Update – Assistant Director of Public Health, Fire Department Administrator (retirement), Water Department Administrator (retirement), Tree and Park Supervisor (retirement), Library Director

- We have done 38 recruitments in the last 12 months. We do about 22 seasonal recruitments. We just closed several recruitments are the Library Assistant, Veteran's Administrative Assistant, and Town Clerk's Administrative Assistant and COA Department administrator Kristen Pellerin.

LG – Can we add a link for jobs from Foxborough School jobs?

9. 8:30pm Town Manager's Update – Town Manager Bill Keegan

- We received a Cyber Aware Community Award Recipient.

- OPEB Actuarial Report is here and we have shaved off 5 years when we will finish that out. We could retire the OPEB and pension debt at the same time if we stay on this track.

- Town meeting is on November 15th at 7:30pm

- Thank you to Mike Davison for another seal for the Town Manager's Office.

- Reminder that the Fire Awards Ceremony will be on October 31st. There is a mass in the morning at 11:00 am and have the ceremony at the public safety building.

9.1 Update on Trash & Recycling Group – We had our first meeting and are focusing our attentions on a few items. Next meeting will be on November 9th.

9.2 Update on American Rescue Plan Act Funds – Sent a letter to our Reps and Congressmen regarding ARPA. The current ARPA rules as written, Foxborough has to apply the school building grant and shows that as an offset which is a wrong approach and we believe that it is a misstep that we are bringing to the attention to Senator Warren and Markey.

9.3 Approved Use of Town Property - Halloween Parade on 10/30. Approved used on 10/15 for The Mediator Film LLC for filming by Juri Love.

10. 8:40pm - Selectmen's Update

10.1 New Business – **Motion to accept the Historical Commission donation of \$502 by L. Gibson. 2nd by S. Ferguson. Approved, 5-0.**

10.2 Old Business - Board of Selectmen name change – This has been a trend and would be good for us to adopt. It would involve a by-law change at Spring Town Meeting.

BK – You could do this two ways, formally and informally.

SF – It makes sense to this at this point and have it be gender neutral.

ME – I'm a traditionalist and like Board of Selectmen.

EO – I was hired by two women selectmen and since them times have radically changed.

LG – I think it's time and I would like to put a place holder for the Spring Town Warrant.

Recreation will make a decision about their Saturday Halloween parade on Friday with potentially rain.

11. Action Items

11.1 Kraft Group - Approval of Temporary Outdoor Entertainment License for NPS, LLC for the Magic of Lights Event to be held November 19 - December 24, 2021

Motion to approve the Temporary Outdoor Entertainment License for NPS, LLC for the Magic of Lights Event to be held November 19th - December 24th, 2021 by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

11.2 Foxboro Recreation - Approval of Use of Public Way for the Foxboro Recreation Department for the Halloween Parade on October 30, from 2:30pm - 4:00pm

Motion to approve the Use of Public Way for the Foxboro Recreation Department for the Halloween Parade on October 30, from 2:30pm - 4:00pm by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

11.3 Foxboro Recreation - Acceptance of \$400 donation from Friends of Foxboro Recreation for Halloween events

Motion to accept a \$400 donation from Friends of Foxboro Recreation for Halloween events by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

11.4 COA - Acceptance of \$420 donation from Friends of Foxboro Seniors

Motion to accept a \$420 donation from Friends of Foxboro Seniors for History at Play "Rachel Revere" program and half of July, August, and September Tai Chi Classes for the Council on Aging by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

11.5 BOS - Approval of revised Town Financial Policies

BK – We included the language the Water and Sewer Commissioners were looking for has been added to the policy and address how the meals tax will be use after the OPEB liability payment is made.

Mike Stanton – To clarify, after the OPEB liability is paid off, the meals tax will continue to pay for the OPEB payment and the remainder that will no longer toward OPEB liability but would then go to roads.

SF – That makes sense to me for OPEB and Meals tax and this is a policy not a bylaw.

SM – Should we go to Town Meeting to determine this in the future?

BK – Now that it's in the town financial policy, we don't need to do that.

SF – Referring to Section 7, the Free Cash policy, it implies that we are taking variances in budget lines to recharge free cash. I would propose and recommend that we build free cash and recharge into the budget. Where it recommended the target recharge of \$ 2 mil that we build into the budget that we have that line and we tighten up each and every.

BK – You would effectively create a \$2 million dollar surplus. It's made up of 2 components, revenue and funds that don't get spent at the end of the year. In the last few years we have made that very narrowly. This could be a target that people want to focus on and could be an issue for collective bargaining.

SF – This would be dedicated to the free cash recharge.

BK – This concerns me as the means of getting there is problematic, I do agree with the merit.

SF – This locks in a target for free cash.

BK – This is very hard to do.

LG – I would ask that we accept this policy since we've had this since June. We can have further discussion with our Finance Team on the best way to do this.

SM – Is there any average number that we have put into free cash?

BK - We look at that 6 months in to the year and we have money tight and revenue not come in and budget being spent. We have not done it, and we shouldn't fix something that isn't broken. I support the idea of what you are trying to do but the means of how you want to get there will be problematic.

SM – I like where you are going with the recharge but I worry about putting the \$2 million into the budget that you might have to raise the taxes.

SF – It seems like it would be low risk move to make.

ME – I think it would be too restrictive.

BK – I think this will create a target which I'm not sure is your intended goal.

SF – My intention is to make it explicit, transparent and open.

**Motion to approve the revised Town Financial Policies by S. Ferguson 2nd by M. Elfman.
Approved, 4-1. S. Ferguson opposed.**

11.6 BOS - Approval of revised Use of Town Property Policy

LG – This will add a fee for a private party for the Common if we wanted to and gives us the ability to assess a fee in the case that a mess is left on the Common/Town Property. We agreed if there is a new event to be held on the Common that the Town Manager would informed the Board and ask for their guidance on proposing a fee.

**Motion to approve the updated Use of Town Property Policy by S. Ferguson 2nd by M. Elfman.
Approved, 5-0.**

11.7 BOS - Approval of BOS Minutes from the 9/28/21 and 10/12/21 meetings

Motion to approve the September 28, 2021 Board of Selectmen Meeting Minutes by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

Motion to approve the October 12, 2021 Board of Selectmen Meeting Minutes by S. Ferguson 2nd by M. Elfman. Approved, 5-0.

As of right now we will not be having our November 9th meeting.

12. Adjourn – 9:23 pm

Motion to adjourn by S. Ferguson 2nd by M. Elfman. Approved, 5-0.