

**Board of Selectmen Meeting  
Tuesday, May 15, 2018  
7:00 p.m.  
Andrew Gala Jr. Meeting Room**

**Members Present:** David Feldman, Chair  
Chris Mitchell, Vice Chair  
Mark Elfman, Clerk  
James DeVellis  
Leah Gibson

**Others Present:** William Keegan, Town Manager  
Mary Beth Bernard, Assistant Town Manager  
Amanda Smith, Community Information Specialist

**Minutes Taken by:** Amanda Smith, Community Information Specialist

**Meeting called to order at 7:01 p.m. Chair David Feldman read the agenda into public record.**

**Comments:** D. Feldman thanked Ginny Coppola for her 6 years of service and commended the value of her insight to the inner workings of the State House. He welcomed Leah Gibson and offered his congratulations on behalf of the Board. He expressed congratulations to Chris Mitchell for his re-election.

**1. Acceptance of Carved Wooden Town Seal for Andrew Gala Meeting Room**

Michael Davison in attendance; artist of Town Seal carving. B. Keegan said at the time of moving into the new Town Hall, he was looking for wall items that reflect the sense of community in Foxborough. He said he wanted a piece that would reflect the Town and a great deal of skill/attention to detail. Michael Johns, Veterans' Services Agent, recommended Mr. Davison. B. Keegan said he is excited about the work he has done and the level of detail he has completed. He recalled the former Town Hall seal at the end of the building and stated that piece is now at the Orpheum Theater. This new piece will remain in this new building. D. Feldman read about Mr. Davison's background in the military and asked him to give a bit of background about the piece and his work. Mr. Davison recalled the thought process and design approach for this piece. J. DeVellis added that Mr. Davison is a pretty humble guy and pointed out that he did this all by hand. Mr. Davison said he started working on it last August 2017 and finished last week; he had to work through each piece. B. Keegan added we are very grateful for the work he put into this.

**2. Citizen's Input**

Richard Parker, (79 West Street), has questioned the transparency of regional dispatch since the project became public. He came before the Board because he has been trying to get a full copy of the full and final feasibility study for the regional dispatch center including Foxborough, Mansfield, Easton and Norton. He expressed frustration over his efforts to get this study for over three years. He recalled joint selectmen and SEMRECC meetings in 2017 that discussed the project and feasibility study and recalled minutes from previous meetings where he requested the study. He summarized his public records requests in Mansfield and Foxborough in 2017 and 2018 and the responses he received. He told the Board he filed a public records request with State 911 in March 2018 for a copy of the feasibility study and he recalled what was provided to him. He said he attended the March 19, 2018, March 29, 2018 and two April 2018 SEMRECC Board of Directors meetings and recalled the length of time the public comment period lasted versus the length of time for the executive sessions. He reiterated that he is not allowed to attend the executive session portion of the meetings. He asked for a copy of all documents the BOS used to make their decision to pursue regional dispatch in Town, and when regional dispatch will be on a future BOS agenda.

No other citizen's input.

### **3. Public Hearing - Kraft Group LLC / NCAA Men's Lacrosse Championships event license application for May 25, 2018 to May 28, 2018**

Phil Buttafuoco in attendance at the meeting for the Kraft Group LLC and George Bell in attendance to represent the Stadium Advisory Committee. M. Elfman read the Public Hearing notice into the public record.

P. Buttafuoco said they are honored to host their 5<sup>th</sup> NCAA Lacrosse Championship at the stadium and have set numerous NCAA attendance records. Event is slated for Memorial weekend as in the past. Expecting 30,000 on Saturday, 20,000 on Sunday and 30,000 on Monday. The event will be in Philadelphia for the next two years. A strong family event. Parking included in price of tickets; sold as 3-game package or now as individual games. He said they are working to communicate parking and entrance plans to fans in advance. Now allow overnight parking for RVs with overnight security checking on them and pumping trucks are available to them. G. Bell said the SAC reviewed the application and felt the Stadium had proactively dealt with issues associated with the event. Public safety officials met with the SAC. The SAC recommended the BOS approval the event based on the application. J. DeVellis said P. Buttafuoco has always run this very well and has always made it family-friendly and welcoming.

No public comments.

**Motion made to close the public hearing by M. Elfman, second by C. Mitchell.**

No further discussion.

Final Resolution: Motion Carries 5-0-0

**Motion made to Approve the NPS, LLC application for the NCAA Men's Lacrosse Championships at Gillette Stadium to be held from May 25, 2018 to May 28, 2018 by M. Elfman, second by C. Mitchell**

No further discussion.

Final Resolution: Motion Carries 5-0-0

### **4. Board of Selectmen – Board Reorganization**

D. Feldman explained the process for Board nominations, motions and votes. He thanked the Board for allowing him to serve for the last 2 years. C. Mitchell said they owe him a thanks. D. Feldman said it was an honor and a lot of work.

J. DeVellis thanked D. Feldman for his leadership. He nominated C. Mitchell for Chairman. C. Mitchell nominated M. Elfman for Vice Chairman.

**Motion made by J. DeVellis to appoint C. Mitchell as Chairman, second by M. Elfman.**

No further discussion.

Final Resolution: Motion Carries 5-0-0

**Motion made by C. Mitchell to appoint M. Elfman as Vice Chair, second by J. DeVellis.**

No further discussion.

Final Resolution: Motion Carries 5-0-0

J. DeVellis said M. Elfman did a great job as clerk for his first two years on the Board and would like to nominate L. Gibson as clerk. C. Mitchell agreed the value it adds. D. Feldman said she will have a lot of support.

**Motion made by J. DeVellis to appoint L. Gibson as Clerk, second by C. Mitchell.**

No further discussion.

Final Resolution: Motion Carries 5-0-0

## **5. Town and State Proclamations to Michael Laracy for 9 years of service on the Board of Assessors**

Continued to May 29, 2018 BOS meeting

## **6. Hawkers and Peddlers - Appeal Hearing Concerning Hawkers & Peddlers License Application/Possible Action**

B. Keegan summarized for the Board the application status as denied and the process following the denial per Town regulations. He added that Lt. Richard Noonan is here to present on behalf of the Town. Lt. Noonan recounted the background check completed by Chief Baker for the Board.

B. Keegan swore everyone in at the table before the Board.

Mr. Horner recapped his history and what led to his past record and his medical history with a letter from the VA to support his personal efforts to rectify the situation and get himself back to where he was prior to military service. He added that he has had a food peddler's license since 2000 and has not had a problem.

D. Feldman asked Mr. Horner if he was aware of the license requirements that include a background check. M. Horner said he assumed it would occur when he was told the Police Chief needed to sign off on it. C. Mitchell asked if this was the only town he ever did this in. Mr. Horner recalled back in the 1980s when he and his kids worked in the Fenway area. C. Mitchell asked for clarification on this time spent selling sausages on Route 1 since 2000 and his arrest in 2009 and asked if it was related to the business at the time. Mr. Horner said it had nothing to do his business selling sausages and he now works with his wife. M. Elfman asked Lt. Noonan if he thinks Chief Baker took any of Mr. Horner's rehabilitation and medical information into consideration. Lt. Noonan said the background check is only for criminal history and cannot verify if he did or did not do all he has attested to. Mr. Horner said he is happy to give the copies of the paperwork he brought with him today to the BOS. J. DeVellis thanked him for coming before the Board and reiterated that they cannot review all of this information in one meeting. D. Feldman asked if the application can be remanded to the Chief in light of new information. B. Keegan added that he agreed in light of new information that it should be shared with the Chief for consideration and if he feels the differently following that review, he can be relied on for that decision.

**Motion made to remand the application back to the Chief for further review in light of new information by M. Elfman, second by C. Mitchell.**

No further discussion.

All in favor.

## **7. Foxborough Founders Day Committee - Information**

Cindy Haddad Drew and Scott O'Donnell came before the Board. C. Drew thanked everyone for all of their support in planning Founders Day. Added one remaining piece is transportation for those who cannot walk far or need assistance. Working to find a bus. C. Mitchell asked for clarification of the route the bus would take. C. Drew added that they have been in communication with Schneider Electric for access to places for pick-up or drop-off. Use this event as a kick-off to test out for future events. S. O'Donnell supported Cindy's comments. C. Mitchell asked about the FCOA but B. Keegan said they look into that as it is a town vehicle. S. McGowan added that getting a volunteer may not be possible with union rules and wanted to give the Board a heads up in case that came up. B. Keegan and M. Bernard discussed they may be able to work it out with drivers. D. Feldman said he would reach out and that he may be able to help. J. DeVellis asked about the numbers for float participation. Monica Fisler said there are five so far but there is still time. They are looking

to do an article in the Foxboro Reporter to let people know how the process works and that the 30<sup>th</sup> Anniversary theme. B. Keegan added that the Town added extra money in this year's budget for this event due to its value in the community each year. S. O'Donnell said they are seeing great participation numbers.

## **8. BETA Group Inc. / Pavement Management System presentation**

B. Keegan introduced this agenda item to the Board and summarized the history of paving in Town and the need to update the Town on its progress to repave roads. He commended Roger Hill and the BETA Group for the work they have done so far.

R. Hill introduced Conrad Ledger with BETA Group and recapped the history of the pavement management program in Town. C. Ledger provided an update on this program to the Board and Town and explained the survey of existing conditions of roadways in Town, by category, and how efforts to repair are prioritized, using RSR ratings. (RSR = roadway surface ratings). He gave examples of roadways in Town with various RSR ratings for comparison and representation and then summarized where the Town was at the start of the program and where the Town is now, as of the end of 2017. He said BETA will continue to monitor the roadways in moving forward, make recommendations and continue to improve the program. The system BETA uses can forecast approximately how much money will need to be spent, including doing additional repairs, in different funding scenarios. He emphasized this is just for curb-to-curb improvements; not utilities work.

J. DeVellis asked if there were year-to-year ratings to compare averages for improvements and C. Mitchell asked about the \$1 million mentioned in the presentation to maintain and \$1.5 million to continue to grow. D. Feldman asked about grade crossings and how close their analyses get to the right-of-way. R. Hill said they are not allowed to get within 33 ft. of the center line of the rail and added that Mass Rail is going to address the grade crossings this year and next year, including grade crossings.

C. Mitchell asked if residents are notified before repair work is done on the streets. R. Hill said various notifications are sent out to residents leading up to the work. R. Hill then recapped the streets slated for repair and the work needed at each location and said he is hoping to do Fisher Street and South High Street if the opportunity presents itself. C. Mitchell asked how much money was put aside and R. Hill said about \$150,000 with various conditions. J. DeVellis thanked R. Hill for his efforts in this program and his work to ensure cohesion amongst all areas of the DPW. R. Hill added thanks to the Board for opening the funds for this work. C. Mitchell echoed J. DeVellis' kudos to R. Hill and talked about R. Hill's foresight for projects that are needed while other work is being done in the area.

J. DeVellis asked where this list of roads is for residents inquiring and R. Hill said the list is almost finalized and will be posted online.

B. Keegan asked about the status of the sewer across the street and R. Hill said it is almost done and operational. He thanked the Board for their time and for Conrad's time.

**Additional Citizen's Input: 8:38pm** - Lorraine Brue (126 Mechanic Street) asked the Chairman to come up to the Board as she could not make it for citizen's input. She thanked the Board for their support on the Route 1 Zoning articles at last night's Town Meeting. B. Keegan thanked Lorraine and the EDC for their two years of work into these articles. D. Feldman added to that sentiment and reiterated that the EDC, Planning Board and Route 1 Business Association Subcommittee spent almost two years going through zoning regulations to prepare these articles; bringing all parties to the table for a shared goal.

## **9. Selectmen's Update**

D. Feldman read a statement into the record regarding an article written about the renewal of the Finance Director contract at the May 1, 2018 Board of Selectmen meeting. He told the Board and the public he provided

this statement to local media outlets and added that he was contacted by the Sun Chronicle and his statement was not published. D. Feldman read his statement into the record. He said he wanted to prevent what happened last week and take's responsibility for it. He hopes the Board would support his comments after all the facts.

D. Feldman said that last night was a perfect indication why AdCom meetings should be televised. He said many people did not understand the articles and would benefit from making the meetings more accessible to people. He added that it was done successfully with CIP meetings and that there is value in televising all board meetings because the information in these meetings is important and is crucial to get the facts out to the voters. C. Mitchell agreed with D. Feldman about televising meetings and said he heard from residents with concerns about the information presented and the start of the meeting. B. Keegan suggested meeting with the Moderator to have this discussion. He said very few people attend regular board meetings and Town Meetings so providing background information in the form of televised meetings would lead to a constructive conversation at Town Meeting and a healthy debate. D. Feldman knows all the work that AdCom puts into the articles and was frustrated with the comments. C. Mitchell urged the need for 100 voters on May 21, 2018 for the remaining articles to vote. Stephanie McGowan (19 Rhodes Lane) came to the table and added that it might be helpful to have these meetings taped even from the board member's perspective. She said she does not have an opinion as it is the Town Moderator's decision, but she does think it may be helpful as a way to catch up if information is missed or to review what was said.

C. Mitchell said that tomorrow night is the ribbon cutting at the Marilyn Rodman Center and 6pm on Friday is the ceremony on the Common for the Global War on Terror Memorial. He thanked all of those who came out to vote on May 7<sup>th</sup>.

L. Gibson thanked everyone who came out to vote and those who are new to voting in Town. She said she is hoping to increase the number at the next elections.

#### **10. Town Manager's Update**

B. Keegan congratulated Leah and Chris and thank Ginny for all of her dedicated service. He thanked D. Feldman for all of this work as Chairman of the Board. He announced the retirement of Vicki Lowe from the position of Director of the Council on Aging/Human Services; he said she will be missed tremendously for all of the work she has done for the Town. She will be leaving in July and the Town will begin working on the process for selecting a new director. He echoed the ribbon-cutting at the Global War on Terror Memorial on Friday and shared news about his son's college baseball team in the NCAA Regionals. He added that Town Meeting is continued to May 21, 2018 to finish the remaining articles and need at least 100 voters there. He explained a program he has been working on with the middle school with regards to civics studies in school. He said many of the Town officials have presented at the school and have been able to answer a lot of questions from the students. The effort will culminate with the first Student Government Day on June 5<sup>th</sup> here in Town Hall to get the kids involved. He thanked all involved for their efforts to coordinate this event.

B. Keegan wanted to read a statement into the record following the comments made at the May 1, 2018 BOS meeting immediately following the renewal of the Finance Director's contract.

#### **11. Assistant Town Manager's Update**

M. Bernard thanked D. Feldman for his service and welcomed Chris into the Chairman's role. She said she will deliver the summary report of the Town Manager review comments to the Board at the next BOS meeting. She said tomorrow will kick off the performance evaluations for DPW, non-union and Steelworkers contracts. She said the Town will begin library collective bargaining and will work on their performance evaluation tool. She thanked those for voting on the Fire and DPW contracts at Town Meeting last night. She said the Town will begin recruiting for Department heads and are wrapping up other hiring processes. D. Feldman asked for an update on impact bargaining. M. Bernard explained that now all new employees have to do the Darkness to

Light Training within 90 days of hiring. She added that the Town is still impact bargaining with union groups and will report back with the outcome.

## **12. Action Items**

### **Finish at the 50 Road Race Event Application for July 3, 2018**

**Motion made to approve the event application by M. Elfman, second by C. Mitchell.**

No further discussion.

Final Resolution: Motion Carries 5-0-0

### **Foxboro Realty Associates - Approval of (3) 1-Day Wine & Malt Beverage Liquor License Applications for May 26-28 2018 for the NCAA Lacrosse Championships Fan Festival**

**Documents included: 1-Day license application**

**Motion made to approve the three 1-day Wine & Malt license applications by M. Elfman, second by C. Mitchell.**

No further discussion.

Final Resolution: Motion Carries 5-0-0

### **Veterans Services - Event Application - Global War on Terror Memorial Commissioning May 18, 2018**

**Documents included: Event application; memo with event details**

**Motion made to approve the event application by M. Elfman, second by C. Mitchell.**

No further discussion.

Final Resolution: Motion Carries 5-0-0

### **Veterans Services - Event Application - Memorial Day Event Application on May 28, 2018**

**Documents included: Event application; memo with event details**

**Motion made to approve the event application by M. Elfman, second by C. Mitchell.**

No further discussion.

Final Resolution: Motion Carries 5-0-0

### **Recreation - Acceptance of Gift Donation of \$2,500 from Joseph Erhard, President of the Foxboro Skatepark Association to maintain and repair the Foxborough Skatepark**

**Documents included: Gift donation form**

**Motion made to approve the gift donation by M. Elfman, second by C. Mitchell.**

Discussion: C. Mitchell thanked Joe for all of his efforts. D. Feldman also thanked Joe.

Final Resolution: Motion Carries 5-0-0

### **Recreation - Acceptance of Gift Donation of \$2,350 from Igo Cares (Igo PTO) for 5 Booth Scholarships with the condition that the Igo School will select the 5 children**

**Documents included: Gift donation form**

**Motion made to approve the gift donation by M. Elfman, second by C. Mitchell.**

No further discussion.

Final Resolution: Motion Carries 5-0-0

### **Veterans Services - Acceptance of Gift Donation of \$250.00 from the MSP Memorial Fund; \$200.00 from Michael and Janis Johns; \$100.00 from Deborah Giardino; \$75.00 from the Noonan Family; \$50.00**

from Philip Giardino; and \$25.00 from Raymond and Mary Smith toward the Iraq and Afghanistan War Memorial

**Documents included: Gift donation form**

**Motion made to approve the gift donation by M. Elfman, second by C. Mitchell.**

No further discussion.

Final Resolution: Motion Carries 5-0-0

**Police - Acceptance of Gift Donation of \$5,600.00 from the Partners in Patriotism Fund for the Haiti International Police Exchange Program**

**Documents included: Gift donation form**

**Motion made to approve the gift donation by M. Elfman, second by C. Mitchell.**

Discussion: J. DeVellis asked for clarification on the gift donation form as it did not list the department receiving the donation and asked if this gift was given to the Board of Selectmen. B. Keegan explained that the gift has to be accepted by the Board and is then allocated to the Police Department as a gift donation. J. DeVellis asked for clarification about a previous grant application filed by the Police Department to the Partners in Patriotism Fund that they later withdrew. B. Keegan explained that the Partners in Patriotism Fund felt strongly about the program and wanted to gift this money to the Police Department and reiterated that the Police Department did not apply for this money.

Final Resolution: Motion Carries 5-0-0

**Orpheum Theater - Approval of (3) 1-Day Wine & Malt Beverage Liquor License Applications: Nick Vero Superhero Movie Night on May 19, 2018 from 4:00 p.m. to 12:00 midnight; Igo Elementary School and the Green Roy Academy of Irish Dance on June 2, 2018 from 12:00 p.m. to 11:30 p.m.; Maureen Hancock and RKO Army Expanded Universe on June 22, 2018 from 5:30 p.m. to 12 midnight.**

**Documents included: 1-Day license applications**

**Motion made by M. Elfman, second by C. Mitchell.**

Discussion: J. DeVellis recused himself as a Board member of the Orpheum Theater.

Final Result: Motion Carries 4-0-1

**Additional comment:** J DeVellis added they are scheduled to close the sale process of the Orpheum on May 30, 2018. He thanked everyone for their constant support and efforts. D. Feldman said it is great to see it getting a lot of attention and use.

**Foxborough Founders Day Committee - Approval of a Boot Drive on 5/26/18 to raise funds for fireworks from 7am to 1pm**

**Documents included: Event application**

**Motion made to approve the boot drive by M. Elfman, second by C. Mitchell.**

No further discussion.

Final Result: Motion Carries 5-0-0

**Foxborough Founders Day Committee - Approval of Foxborough Founders Day public event application for Saturday, June 9, 2018**

**Documents included: Event application**

**Motion made to approve Founders Day event application by M. Elfman, second by C. Mitchell.**

No further discussion.

Final Result: Motion Carries 5-0-0

### **13. Adjourn**

**Motion to adjourn at 9:06 p.m. made by M. Elfman, second by C. Mitchell**

No further discussion.

Final Result: Motion carries 5-0-0