

Tuesday, June 12, 2018
Board of Selectmen's Meeting Agenda
Foxborough Town Hall
Andrew Gala Meeting Room
7:00 p.m.

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

Others present: William Keegan, Jr., Town Manager
Mary Beth Bernard, Assistant Town Manager
Amanda Smith, Community Information Specialist

The chair reserves the right to call items on the agenda out of order. The times that are listed for items are approximate times, and items may be reached earlier or later than the posted times. The listing of items are those reasonably anticipated by the chair which may be discussed at the meeting at least forty-eight (48) hours prior to the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Meeting called to order at 7:05pm by Chairman Mitchell. He explained that the BOS just came out of Executive Session to go into Open Session; he read agenda into public record.

2. Citizen's input

Richard Parker, 79 West Street, recapped his previous citizen's input at the May 15, 2018 BOS meeting. He summarized previous meetings he attended and minutes regarding the feasibility study he requested. He recalled an article on June 4th on patch and quoted B. Keegan in the article. He then spoke about the March 14, 2018 ADCOM meeting discussion and R. Scollins stating the regional dispatch would be located in Foxborough. He questioned the money and line items discussed. He recapped his previous requests for public information and details about communications with American Tower. He is still asking to understand how this process can be considered transparent.

Jim Mullins, 6 Winter Street, said his trash gets picked up on Fridays and saw Dooley Disposal Services collect his trash the last two weeks and saw the recycling disposed of in the same truck and trough as trash. B. Keegan said this is a private company and questions for information would have to go to the company directly. J. DeVellis said the Town has a bylaw about the trash removal and recycling; B. Keegan clarified the bylaw includes requirements for recycling by the disposal company and cannot speak to this directly. C. Mitchell asked B. Keegan to look into it with owner of Dooley Disposal Services.

J. DeVellis asked how long this process will go on for Mr. Parker coming to citizen's input to speak about regional dispatch. B. Keegan spoke to the information provided by the Town to R. Parker. J. DeVellis asked how we resolve this. B. Keegan and M. Bernard spoke to the requests they made to meet with the residents and the requests have been turned down by Mr. Parker and his wife.

3. Foxborough Commission on Disability - New Member Appointment

3.01 Appointment of Charles Gallagher as new member to the Foxborough Commission on Disability for a 1-year term, beginning on June 12, 2018 and expiring on May 1, 2019.

Sue Collins and Charles Gallagher came before the BOS. S. Collins said she is happy to present C. Gallagher to the BOS as a new member to the FCOD as he educates about accessible parking in Town and the idea to unify signs around Town. C. Gallagher said he is looking forward to provide input and guidance. C. Mitchell asked about sidewalk accessibility and if the FCOD has a say. C. Gallagher said that would be a parking violation and would like to update the parking situation in Town.

Motion to approve the committee appointment made by L. Gibson, motion made second by D. Feldman

No further discussion.

Final Resolution: Motion Carries 5-0-0

4. CBS Scene Patriot Place LLC Change of d/b/a Name from CBS Scene to CBS Sporting Club

4.01 CBS Scene Patriot Place LLC Change of d/b/a Name from CBS Scene to CBS Sporting Club in connection with an Annual All Alcohol License, Common Victualler License, 7-day Entertainment License

Stephen Miller (Attorney) and Chris Klein (Manager of Record) came before the BOS. S. Miller said the d/b/a name change request was based on two issues; the business is undergoing an upgrade after ten years in business and the focus is changing from CBS TV to CBS Sports. S. Miller said they will come again before the BOS on June 26, 2018 for other license items, including alteration of premises and he will present details at that time. C. Mitchell asked if the restaurant was currently open and S. Miller said no as they are still doing renovations. C. Mitchell asked when they expect to open and S. Miller said July 9, 2018. D. Feldman asked if Chris Klein would still be the manager of record and C. Klein responded yes.

Motion to approve change of d/b/a made by L. Gibson, motion made second by D. Feldman

No further discussion.

Final Resolution: Motion Carries 5-0-0

5. BOS - Approve Town Manager Evaluation

M. Bernard confirmed the Town Manager's contract is based on a satisfactory evaluation. She presented the summary at a previous meeting to the BOS and it was above satisfactory. She said she was looking for a motion to go forward contract provision.

Motion to approve the Town Manager evaluation made by L. Gibson, motion made second by D. Feldman

Discussion: J. DeVellis recalled a previous process in which the BOS came up with review questions and ran the process. He said he asked at the previous BOS meeting to see all of the comments and was told that information is not public record. M. Bernard confirmed personnel records are not public record. C. Mitchell agreed with M. Bernard and said personnel records are not public record. J. DeVellis said he spoke with the public records office in Boston and was told the review is considered public record but can be held back from release dependent upon the Town to share it or not. He said the BOS was told at the previous BOS meeting that they could go in and review the documents but they could not take the documents with them. He mentioned there was one reviewer who wrote a lengthy review and the BOS never saw it because the comments were not included in the summary. He said he believed there is a conflict because the Assistant Town Manager is presenting a review for her boss. C. Mitchell asked about what J. DeVellis meant by his statement that the BOS ran the process in the past and J. DeVellis corrected himself and statement he meant back when the BOS handled the review process. J. DeVellis asked why this constructive criticism was not included in the summary report to the BOS. C. Mitchell said the summary is a public document and no matter if it is good or bad, it gets out and there is no way to refute it. C. Mitchell said he read through all of reviews in the office and said there are three sides to every story.

B. Keegan said all comments and reviews go to him and he takes all of them personally. B. Keegan added that the comments are also filtered through the BOS chairman; C. Mitchell said he read through it all. M. Bernard recalled her years of experience in this process and how the results come in and have been done in Town for the last four years.

L. Gibson asked why there are four comments instead of five; M. Bernard said there were four comments to be consistent with summary reports from previous years. D. Feldman spoke about the format of the review and said the comment sections are the most important part of the entire review and said you are doing yourself and the employee a disservice if you are not honest in your comments. J. DeVellis asked why not give the courtesy to the BOS to see all of the completed reviews as well and B. Keegan said the BOS is not involved in personnel matters. J. DeVellis said he would like to see what other BOS members wrote in their evaluations and M. Elfman said that is not appropriate because the only person who needs to see all of the comments is the Town Manager himself. M. Bernard said she was giving the essence of all reviews submitted and J. DeVellis replied the only comment not included was the one negative comment.

J. DeVellis said he came in to review the comments and that it was only B. Keegan's self-evaluation and four others; C. Mitchell said he came in and read the same document and there were many comments. C. Mitchell said the aggregate score is the result of the review by the five BOS. M. Bernard said her summary captured the essence of the reviews by the board. L. Gibson said she understood J. DeVellis' point to just include them all. C. Mitchell asked if the BOS can revisit the review process and J. DeVellis said the BOS has the authority to do so and doesn't have to ask the Town Manager and Assistant Town Manager for permission to do so.

C. Mitchell asked J. DeVellis if the comment was there and the score remained the same, would he not approve it. J. DeVellis said the score notwithstanding, the negative comment would have been a basis for discussion. D. Feldman said as far as he was concerned, his evaluation was his and the comments of others would not change it and said the individual category section comments carry more weight than the overall comments. L. Gibson suggested a change next year and J. DeVellis suggested removing the score completely. M. Bernard said numbers make it easier to quantify if a review is satisfactory.

B. Keegan said every member of the BOS has the opportunity to have the conversation with him directly at any time. J. DeVellis said public discussion should be done in public; especially the Town Manager review. B. Keegan agreed he should be publicly evaluated but stressed the dialog can occur between him and each BOS member at any time. B. Keegan said he always welcomes the feedback and to improve any process available to them. J. DeVellis said he gave B. Keegan a very positive review and that the one negative, not from him, did not make it on the summary provided to the BOS. M. Bernard said the numerical comments determine the score. C. Mitchell further explained the comments were the overall comments at the end of the review. M. Elfman said the only one who cares what each BOS member said is B. Keegan because it is there if he wanted to see it.

J. DeVellis proposed next year be different and get BOS input. C. Mitchell said he will meet with M. Bernard to see what other options are available. D. Feldman said any issues should be brought right up to the Town Manager when they arise, not just annually. B. Keegan said he is perfectly fine having an open, public dialog. J. DeVellis asked the BOS to add the discussion of changing the review process to a future BOS meeting and questioned why the other BOS reviews are locked away in the Town Manager's office. C. Mitchell again said he would meet with M. Bernard about the process and how it pertains to laws protecting information and report back to the BOS.

Final Resolution: Motion Carries 3-1-1 (L. Gibson abstained from the vote as she was not a Selectman at the time the reviews were completed; J. DeVellis said he was opposing the evaluation because the

summary was incomplete and noted for the record that his evaluation of the Town Manager was positive).

6. 7:40pm - Selectmen's Update

C. Mitchell said student government day last Tuesday was a pretty awesome day and the kids are incredibly smart. They asked good questions and he commended everyone for their efforts to put it together. He thanked the Founders Day Committee for a great parade and field and fireworks. L. Gibson said the fishing derby blew her away and the kids had an amazing time.

7. 7:50pm - Town Manager's Update

B. Keegan told the BOS he spent morning at the Metropolitan Area Planning Council meeting about the Commuter Rail Coalition designed to help improve services and work with the MBTA to help envision service into the future. He said it was a great session and discussion; interesting that most in attendance agreed that rail is important for the healthy growth of communities and quality of life.

B. Keegan said the Affordable Housing Trust needs a new member on the board to replace former Selectmen Coppola; he suggested the BOS can consider this for a future BOS meeting to appoint a member to the board. He said the County Street bridge work in Mansfield will lead to detours and there would be work on Spring Street later this month. The Town has been working with Mansfield to iron out detours and traffic plans to ensure two directions of traffic during construction. It has been estimated 6-7 months to finish the bridge and the Spring Street rail bed work would be completed in 3-5 days. C. Mitchell asked if those mostly affected by the bridge work would be those parking in the commuter lot and B. Keegan said yes and reiterated the goal to maintain two lanes of traffic.

B. Keegan thanked the Department Heads and Middle School teachers for participating in 1st student government day. He said the students were very informed and very engaging. He then thanked the Kraft Group for donating lunch at Gillette Stadium to the students.

B. Keegan responded to Mr. Parker's comments and said the Town has provided endless documents to him and his wife in response to their public records requests. B. Keegan said The High Rock report will be presented to the SEMRECC Board and he can provide a copy to Mr. Parker. He said he takes umbrage with many of Mr. Parker's comments; he spoke to comments Mr. Parker recalled that B. Keegan told people to stay off the property as that did not occur. B. Keegan clarified the easement is public property. B. Keegan said it has been extremely frustrating that the documents requested have been provided and Mr. Parker and his wife have said that was not enough. B. Keegan reiterated that he had responded to both Mr. and Mrs. Parker's comments prior to Town Meeting and neither showed up to Town Meeting. B. Keegan said he reached out to them directly to resolve this and has offered to meet with them but Mr. and Mrs. Parker have not taken him up on the offer.

Rob Verdone, SEMRECC Executive Director, came before the board. He said the District only received one request on Sunday. He told the BOS the district has taken a firm stance to be as transparent as possible without compromising the safety or integrity of the bidding process. He said the High Rock property is still under evaluations and is still under ownership of American Tower. He added the goal is to be good stewards to the environment and constituents and explained the process by which they operate under transparency with regards to the comments from Mr. Parker that they have not been so. B. Keegan said his offer still stands to meet with the Parkers to discuss their questions and concerns. R. Verdone said his understanding of the feasibility study was that the previous vendor never finalized the report but the research and study was completed and the project was deemed feasible. C. Mitchell asked how much this could be discussed tonight since it was not on the agenda and B. Keegan said he preferred not to take up more time of this meeting. J. DeVellis said it should either be on the agenda or not and should not be discussed tonight. C. Mitchell said this should be added to next BOS agenda.

8. 8:00pm - Assistant Town Manager's Update

M. Bernard said the Town is in the process of doing performance evaluations Town-wide; they are due by June 15, 2018 and have had success with the online review program. She said the BOS will sign the ratified DPW contract tonight. She said the Town is kicking off library negotiations on Thursday of this week.

M. Bernard announced her retirement in January 2019 from the Town of Foxborough to spend time taking care of her grandchild and said she will work as a Human Resources consultant. She told the BOS she has given six months' notice to prepare for the transition and would like to leave the department better than when she arrived. She learned a lot from the BOS and appreciate them. She thanked the Personnel Board and B. Keegan for his inspirational leadership and excellent team of Dept. Heads and Town Employees. She reminded the BOS she would always be a phone call away and offered to come back and work on the performance document pro bono. C. Mitchell thanked her for all of her work. B. Keegan said he will save his comments for closer to her departure but has appreciated all of the work she has done for this community.

9. Action items

9.01 Approval of thirty-one (31) commercial parking permit renewals to expire 6/30/2019

Motion to approve 31 commercial parking permit renewals to expire 6/30/2019 made by L. Gibson, motion made second by D. Feldman

No further discussion.

Final Resolution: Motion Carries 5-0-0

9.02 Reappointment of CIP Committee members for a term of 1 year

Motion to approve CIP reappointments made by L. Gibson, motion made second by D. Feldman

Discussion: C. Mitchell said the BOS needs to appoint someone to take Ginny's place. Asked if any current members would like to sit on the Committee; D. Feldman said he would do it. The BOS agreed to appoint D. Feldman to the CIP Committee to fill the vacancy.

Final Resolution: Motion Carries 5-0-0

9.03 Recreation - Acceptance of gift donation of \$250.00 to Foxborough recreation from MMTA (Massachusetts Marine Trades Association) for fishing derby supplies

Motion to approve gift donation made by L. Gibson, motion made second by D. Feldman

No further discussion.

Final Resolution: Motion Carries 5-0-0

9.04 Recreation - Acceptance of gift donation of \$1,500.00 to Foxborough Recreation from the Masonic Angel Foundation Inc. for summer program scholarships

Motion to approve gift donation made by L. Gibson, motion made second by D. Feldman

No further discussion.

Final Resolution: Motion Carries 5-0-0

9.05 Library - Acceptance of gift donation of \$44.95 to the Boyden Library from the Foxboro Monday Club in memory of Dortha Allen for the purchase of "Those Good Gertrudes: A Social History of Women Teachers in America"

Motion to approve gift donation made by L. Gibson, motion made second by D. Feldman

No further discussion.

Final Resolution: Motion Carries 5-0-0

9.06 BOS - Acceptance of gift donation of lunch at Gillette stadium (value of \$1,292.00) for student government day 2018 on June 5, 2018 from the Kraft Group

Motion to approve gift donation made by L. Gibson, motion made second by D. Feldman

No further discussion.

Final Resolution: Motion Carries 5-0-0

9.07 Approval of a block party application by Michelle Crockford of 11 Boyden Drive for Hodges Road down to Brookside Drive on June 23, 2018 from 3:00 p.m. To 7:00 p.m. With no rain date

Motion to approve block party application made by L. Gibson, motion made second by D. Feldman

No further discussion.

Final Resolution: Motion Carries 5-0-0

9.08 Officer Charles Gallagher - Approval of \$1,170.00 for tuition reimbursement

Motion to approve tuition reimbursement made by L. Gibson, motion made second by D. Feldman

No further discussion.

Final Resolution: Motion Carries 5-0-0

9.09 BOS approve minutes from 5/15/18 and 5/29/18

Motion to approve board of selectmen meeting minutes from 5/15/18 and 5/29/18 made by L. Gibson, motion made second by D. Feldman

No further discussion.

Final Resolution: Motion Carries 5-0-0

10. Adjourn

Motion to adjourn made by L. Gibson, motion made second by D. Feldman

No further discussion.

Final Resolution: Motion Carries 5-0-0