

**Tuesday, July 24, 2018
Board of Selectmen's Meeting
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
Kathleen Connolly, Town Counsel

Minutes generated by Amanda Smith

Meeting called to order at 7:00 p.m. by C. Mitchell.

J. DeVellis spoke to the audience prior to citizen's input about the passing of David Lutkus on Saturday July 21, 2018 after a bout with cancer. J. DeVellis expressed condolences and honored him for his strength as a survivor of abuse from former Foxborough teacher and scout leader, William Sheehan.

1. Citizen's Input

Ernie Hirsch came before the word to share his prepared words regarding the June 27, 2018 Supreme Court ruling in favor of M. Janus in Janus v. American Federation of State, County and Municipal Employees (AFSCME) about government/public sector workers represented by a union who choose not to join the union, not be required to pay a union fee. E. Hirsch requested the Town of Foxborough employees be notified ASAP of this ruling and to review all current employees for applicability of this ruling. J. DeVellis thanked E. Hirsch for his attention to this matter and mentioned that this has to be clarified for the Town to find out if there are current employees who are not part of a union and are still paying fees. C. Mitchell said the Town Manager and the Assistant Town Manager will look into it and thanked Mr. Hirsch for his attendance and sharing.

J. Authelet came before the Board to share that his book, Foxborough World War II, is available in print. He provided a signed copy of the book to Town Hall for those interested to read it to keep here as reference. He added that the book is also at the Boyden Library Reference Desk and at the Foxborough High School. The Board thanked J. Authelet for coming to the meeting. J. Authelet added that the book is available for purchase at the Historical Commission and at Cindi's Jewelers in Downtown Foxborough.

2. Public Hearing- Jay Z and Beyoncé "On the Run 2 Tour" August 5, 2018

Documents: Event License Application; Public hearing notice; Indemnification Agreement; Security Deposit Agreement; Public Safety Recommendations; SAC Review Report; Building Dept. Recommendations; Walpole PD Request for Details

L. Gibson read the public hearing notice into the record.

Jess Enos from Gillette Stadium and George Bell of the Stadium Advisory Committee (SAC) came before the Board for the public hearing. J. Enos explained this is a repeat tour from 2014 and Beyoncé had previously come to the Stadium in 2016 for the Formation Tour. J. Enos said the organizations learned a lot from hosting

this fan base two times in the past and have learned from those experiences. She added that one lesson learned is to improve communication of the Clear Bag Policy and for this show, Gillette Stadium communicated earlier to ticketholders and will continue to project that message right up to the show, using tools such as social media. J. Enos said the run of show times would be as follows: parking lots would open at 3:30 p.m., the gates would open at 6:00 p.m., and the show would start at 7:30 p.m. with the MBTA running special service to Gillette. She added that the anticipated crowd size for this show is only about 42,000 in the building, with all levels open. She said ticket prices vary from \$57 to \$357 with a small general admission section in front of the stage; capacity for less than 1,000 people. J. Enos said the Stadium will continue to use the SAC hotline in the event people need to call. G. Bell added that North Street will be open for the event which may help with some traffic. G. Bell said he was impressed with the recent article in the Sun Chronicle about the upcoming Taylor Swift concert and operations details. G. Bell said the SAC will have people on site to observe and man the hotline and the SAC recommended the BOS approve this application.

Motion to close the public hearing made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

Motion to Approve the Jay-Z and Beyoncé Concert - On the Run 2 Tour on August 5, 2018 made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

3. Town Citation for Vicki Lowe

Documents: Citation for Vicki Lowe

C. Mitchell read the Town Citation into public record. C. Mitchell offered additional thanks to Vicki for her years of service to the Town.

4. DPW - Roundabout Grant - BOS Vote to Accept the Roundabout Grant Funding - Revised Amount

B. Keegan summarized for the Board the information provided by Roger Hill in a memo; ask the Board to accept two separate grants. One is from MassDOT for in-kind services for lighting, and the second is from Exec. Office of Housing and Economic Development for highway demolition and construction required to complete the roundabout at the intersection of Foxborough Boulevard and Forbes Boulevard.

Motion to Accept the Executive Office of Housing and Economic Development Grant for \$914,947.50 made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

Motion to Accept the MassDOT Grant for \$140,952.50 made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

B. Keegan asked Jay Ash, the State, Jay Barrows and Paul Feeney for their efforts to get this additional funding.

5. BOS - RFP for Downtown Project

Documents: Final Draft RFP and attachments

Lorraine Brue, Chairman of the Economic Development Committee, and Paige Duncan, Planning Director, came before the Board to seek approval of the RFP for the mixed use project in the Downtown. L. Brue provided background on the preparation of this RFP and the work behind it. P. Duncan said back in 2012 the Town began a Master Plan process, including workshops to gather input. Residents identified Downtown was most valuable to community and rated it as needed improvement. P. Duncan said Towns recently have had to adapt to the changes in commerce and many communities are working to bring back their downtowns. She added during the Master Plan process, the Funeral Home and Fire House property was brought up as an area of focus and the EDC had talked about the need for a mixed use development. P. Duncan said the RFP will be a design guideline for potential contractors so as not to dictate exactly what should go there, but encourage mixed use development that would be consistent with the Master Plan and the vision of the Town. She said the RFP language captures the importance of this asset to the community while allowing for a developer to come in with their design that will serve the Town. P. Duncan then summarized the timeline within the RFP and details that determined it. C. Mitchell asked if the August 31st deadline is too fast and D. Feldman said it should not pose a problem if the developer is serious. J. DeVellis suggested extending the deadline to September 28, 2018. C. Mitchell agreed with J. DeVellis to add another month for submittals. P. Duncan said she can update the other deadlines within the timeline with the new final submission deadline.

J. DeVellis thanked her and the EDC for their efforts. He added that if a qualified developer can renovate, there is a provision in the RFP that would allow for that if it is equitable for the Town and the developer that meets the vision of the Master Plan and Town.

Motion to approve the RFP for the Downtown Project with the amended submission date of September 28, motion made second by D. Feldman.

No further discussion.

Final Resolution: Motion Carries 4-0-1

6. Town of Foxborough - Special Town Meeting Warrant – Vote to Open Warrant

Documents: Draft list of articles for STM Warrant

B. Keegan provided a summary of the Board's action. He said the Town is asking to open the warrant for Special Town Meeting (STM) with a proposed date of October 1, 2018. He explained this would be earlier than in past years to stay on schedule with the MSBA process for the Burrell School project. B. Yukna put together a summary of the process; B. Keegan read the summary aloud on behalf of B. Yukna. C. Mitchell asked what the timeline is to close the warrant if the Board opens the warrant today and B. Keegan said the Board should close the warrant in two weeks and can re-open it if needed. C. Mitchell asked if AdCom was notified of this proposed date and their feelings; B. Keegan said AdCom and the Moderator were made aware and have not heard back about it. J. DeVellis asked if the Town is still planning to have a Special Town Meeting in December given this is two months earlier than past years; B. Keegan said the Town is not anticipating another STM in December unless needed. J. DeVellis recalled the tight timeline and asked if there is a detriment to wait until December. B. Keegan said the earlier STM date gives additional time to get plans done and specs prepared for the Burrell School project and to keep pace with the MSBA schedule. J. DeVellis asked for clarification if AdCom responded with no concerns or if that means no concerns were expressed and B. Keegan said the AdCom was notified two weeks ago and have not expressed any comments or concerns at all. C. Mitchell asked if there was a list of articles for the Board to review and B. Keegan said there is not currently a formal list and was not aware of too many items. P. Duncan said the Planning Board heard about the October 1st date and discussed some housekeeping items that can be added to STM warrant if allowed to do placeholders while they prepare the final language. M. Bernard said there may be two contracts to add to the STM before the deadline. C. Mitchell said he agreed with J. DeVellis and asked if there was another date to compromise between October 1st and the beginning of December. B. Keegan said if there are not many items, there should not be difficulty

pulling the warrant together. M. Elfman added that it is likely to be a smaller warrant as in past years and that the article about the Burrell School has been discussed various times in the past so it is not a new item. C. Mitchell asked for clarification from B. Keegan for the BOS to open and close the STM Warrant.

Motion made to open Special Town Meeting Warrant made by L. Gibson, motion made second by M. Elfman.

No further discussion.

Final Resolution: Motion Carries 5-0-0

7. Discussion - NRRC / Neponset Reservoir Permanent Solution Statement

R. Lewis said Schneider Electric held their public meeting and it included graphic posters around the room, not the presentation that was expected. R. Lewis said he said he was happy to see the environmental manager there, Jonathan Handrahan and said he was good about discussing the situation but not well informed of some of the issues the NRRC had leaving the cadmium behind on site. R. Lewis said they presented a lot of data and relied on studies from many years ago. C. Mitchell asked who paid for the Blue Ribbon Committee and R. Lewis said the Town did not pay for it but cannot recall if the State or Invensys paid for it; it was supposed to be an impartial committee. R. Lewis said almost all of the \$2.5 million has been allocated to the NRRC Inc. Sheila Moore of the NRRC specified the purpose of the funds allocated to the NNRC for the phosphorus in the water.

R. Lewis said the potential future cost to the Town is immeasurable due to the amount of dredging that would be needed to address the cadmium and heavy metals contamination and the restrictions on future uses of site limit dredging as it would cause the contaminants to be kicked up again. He added that the additional precautions to ensure safety would likely drive up the cost of dredging the reservoir. C. Mitchell asked K. Connolly where this puts the Town legally if the PSS goes through. R. Lewis said the Responsible Party (RP) owns the problem but is somewhat limiting to the Town. K. Connolly said there have been requests for the posters at the presentation that may have created some additional confusion. She said the Town is limited in what they can do if they do not own the property. She said it would be helpful to the Town to get the science behind the numbers that are included in the regulations to find out what may or may not be safe. She said the Town could do monitoring and Board of Health would have authority to do it as their role in the community. She added that the Town could intervene the PSS by asking for an extension of the public comment period as they wait for additional information and to have another LSP review the PSS and determine if other options should have been considered. R. Lewis said an LSP has been engaged by the NRRC from ESS and will be getting back to NRRC next month after their Risk Assessor reviews the report. K. Connolly said given that deadline, she encouraged asking for an extension of the public comment deadline via a letter to MassDEP stating the history of this project, the comments from the NRRC and that another LSP is reviewing the report.

K. Connolly said this site is a state-listed site so EPA is not involved now but the Town could ask the EPA to review the report and all of the objections presented, to grant an extension of the deadline, for all comments to be addressed and for a better public forum. M. Elfman said the Board should definitely ask for an extension and C. Mitchell suggested copying the EPA on the request. C. Mitchell asked if Schneider Electric gets involved in this and K. Connolly said to copy them on the communications as they are the RP. J. DeVellis clarified Schneider Electric owns the contamination, not the property. D. Feldman asked if a meeting with Schneider would make sense stating the concerns and frustrations and outline the steps lined up in the event they do not hold up their side of the deal because no one is going to be happy with the resolution. K. Connolly said a meeting is always a good first step and that the NRRC has exhausted all of their efforts to meet with them. She suggested to start with the letter to extend the public comment period and then try a meeting. J. DeVellis said that all of the reports have been authored by an LSP and the Town would benefit from hiring our own LSP to review the latest phase and recommendations in addition to a meeting. K. Connolly said the Town can engage their own neutral LSP and would add their review of reports and data to the deadline. J. DeVellis said meeting with Schneider equipped with LSP comments on the documents would put the Town in a better position. R.

Lewis said the conflict of interest with the firm or LSP may present difficulties as Schneider Electric is a large firm and there may be overlap in other locations and capacities. C. Mitchell asked how long it took to find an LSP to do the work; R. Lewis said four to five months to get them under contract. K. Connolly said the same LSP can be used as doing the work for NRRC and J. DeVellis said an LSP needs to represent the Town and not just a non-profit group.

M. Elfman said first step is to request an extension of the public comment period. R. Lewis recommended the LSP and Risk Assessor they are working with come to a BOS meeting next month.

Motion made to send a letter from BOS through Town Counsel to extend deadline of public comment period made by M. Elfman, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

M. Elfman suggested the LSP for the NRRC come to the next BOS meeting to discuss and present. NRRC encouraged the BOS to get in touch with them if any have questions. M. Elfman said the Foxborough Conservation Commission has attended to most of the meetings and suggested inviting the Board of Health to the next meeting. R. Lewis said Paul Mullins was the previous representative from the Board of Health up to his recent retirement.

8. Selectmen's Update

C. Mitchell moved Action Item #6 up to Selectmen's Update.

Motion to approve gift by L. Gibson, 2nd by M. Elfman

Discussion: C. Mitchell wanted to publicly thank the American Legion Post on behalf of the Board and Town for this generous gift for the maintenance and upkeep of all memorials in Town.

Final Resolution: Motion Carries 5-0-0

C. Mitchell recalled the recent grand openings of CBS Sporting Club, Hampton Inn & Suites in Town. Normandy Farms was on Today Show yesterday highlighting their facilities and grounds.

M. Elfman said the Farmers Market is doing phenomenal and great crowd with great vendors. Been outstanding. J. DeVellis said it is a nice synergy between the Foxboro Recreation Department and the Jaycees with the Concerts on the Common.

9. Town Manager's Update

B. Keegan said Foxboro Cable Access TV will broadcast the SEMRECC meeting that is scheduled for tomorrow, July 25th, later in the week via recording provided by Mansfield Cable Access. B. Keegan said the meeting will last one hour at the Mansfield Town Hall prior to the Mansfield Board of Selectmen meeting, scheduled for 7:00 p.m.

B. Keegan said the Town has received direction from the Attorney General's Office for how the Janus ruling should be handled and there appears to be no adverse impact to the Town. J. DeVellis asked if that includes school staff. B. Keegan said that the schools have been notified about the Attorney General's guidance but he could not speak to the impact on School Union staff members.

B. Keegan said that he is very close to selecting a new COA/HS Director and hopefully he will have a decision by next week to present to the Board.

10. Assistant Town Manager's Update

M. Bernard said there were 81 applicants for the COA/HS position; met with the final three candidates today. She said she will begin checking references and have a final decision soon. She said other positions coming online will include the Inspections Department Administrator and an employee to do the meeting minutes for the AdCom. C. Mitchell asked if it would be a volunteer position; M. Bernard said it would be paid, non-benefited.

M. Bernard echoed B. Keegan's update about the Janus Decision and keeping close communication with Town employees. M. Bernard added the Town has started doing its own self-audit following the Equal Pay Act. M. Bernard said the Town is two meetings into library negotiations; hoping for October 1st ratification date at STM.

11. Action Items

- 11.01 Commercial Parking Lot Renewal - Lot #24
Documents: Commercial Parking Lot application

Motion to approve Commercial Parking Lot License for Lot #24 made by L. Gibson, motion made second, motion made second by M. Elfman

Discussion: C. Mitchell said the note attached to the application is very unclear and asked to clarify if Funway would be closed during Stadium events and B. Keegan said he would assume that to be the case. C. Mitchell asked for clarification on the count of 60 spaces within the property given there are more spaces on site. Approval conditionally upon verification of the number of parking spaces and clarification of the letter included in the application.

Final Resolution: Motion Carries 5-0-0

- 11.02 BOS- Approval of (38) Election Workers for a 1-year term expiring 8/30/19
Documents: Spreadsheets of election workers for appointment

Motion to Approve 38 Election Workers for a 1-year term expiring 8/30/19 made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

- 11.03 New England Patriots Charitable Foundation- Approval of (2) One Day All Alcoholic Liquor Licenses for the August 9, 2018 and August 16, 2018 preseason games
Documents: (2) One-Day applications

Motion to Approve New England Patriots Charitable Foundation (2) One Day All Alcoholic Liquor Licenses for the August 9, 2018 and August 16, 2018 preseason games made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

- 11.04 Max Performance - Annual Sharon Triathlon on 8/12/18 from 8:00 a.m. to 9:45 a.m.
Documents: Road Race application

Motion to Approve Annual Sharon Triathlon organized by Max Performance made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

- 11.05 COA/HS - Acceptance of Gift Donation of \$50.00 to the Council on Aging/Human Services from Anonymous for the Lock Box Program
Documents: Gift Donation form

Motion to Accept Gift Donation made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

- 11.06 Veterans Services- Acceptance of a Gift Donation of \$20,000.00 to Veterans Services from the American Legion Post 93 for the War Memorial Upkeep
Documents: Gift Donation form

Moved up to Selectmen's Update (see section 8)

- 11.07 Veterans Services- Acceptance of a Gift Donation of \$75.00 to Veterans Services from Maureen and Richard Sergei for the Iraq and Afghanistan War Memorial
Documents: Gift Donation form

Motion to Accept Gift Donation made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

- 11.08 Foxborough Historical Commission - Acceptance of Gift Donation of \$575.00 from multiple book sales
Documents: Gift Donation form

Motion to Accept Gift Donation made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

- 11.09 BOS Approve minutes from 7/10/18
Documents: Draft Meeting Minutes

Motion to Approve 7/10/18 BOS minutes made by L. Gibson, motion made second by ME

No further discussion.

Final Resolution: Motion Carries 5-0-0

12. Adjourn

Motion to adjourn at 8:36pm made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0