

Tuesday, October 2, 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
Michael Johns, Veterans Services Director
Amanda Smith, Community Information Specialist

Minutes generated by Amanda Smith

Meeting called to order at 7:00pm by Chairman Chris Mitchell

1. 7:00pm - Citizen's Input

No citizens present for public comment.

2. 7:05pm - FOXBOROUGH Sign on the Common - Plan to Refurbish and Restore - Kathy Brady on behalf of the Foxboro Jaycees

Kathy Brady and Bob Hickey came before the Board of Selectmen (BOS). B. Hickey recalled for the BOS the significance of the Town Common and the pieces included. He called out the importance of the "FOXBOROUGH" sign on the Common and its history in Town and the support efforts of local groups, such as the Jaycees, in maintaining the sign. He said historically, volunteers work together to fix the sign when in disrepair. K. Brady said all work to maintain it is done so to ensure the look of the sign is consistent and that it is done so quickly. K. Brady added that the Jaycees would be able to take it down for repair and put it back up within one week. She said the Jaycees propose to raise a temporary banner in its place letting the community know where the sign is, why it is down and when it is anticipated to come back up. K. Brady said they have spoken with the Historical Commission and Town Manager about this to bring everyone up to speed with this proposal. B. Hickey reiterated that the Foxborough Common Business Collaborative (FCBC) has secured funding for this effort and have received matching support from various other local groups and organizations. He said he anticipates there would be small support costs that the Town Manager has said the Town can provide. B. Hickey said Hawk Marketing will make the banner to be hung in its place and will identify those who have donated money in support of these efforts. K. Brady said all donors are non-profit, local organizations. C. Mitchell asked who will do the refurbishing work; K. Brady said all to be done by the Jaycees.

J. Authelet came before the BOS and said K. Brady and B. Hickey came before the Historical Commission with this plan and the Commission has provided their support. C. Mitchell commended the Jaycees for their continued efforts to maintain the sign and to volunteer their time again and again. B. Keegan thanked all who are involved in this process and for their continued volunteer work. He added that he invited them to present to the BOS tonight to keep the BOS up to speed and to get the word out to the community so everyone is aware. L. Gibson suggested posting about this on social media prior to the work being done to prevent confusion or concern that the sign may be missing. C. Mitchell asked about the construction of the sign and K. Brady described its dimensions and design. B. Hickey thanked everyone on behalf of current and former Jaycees for allowing them to do the work all these years.

B. Hickey reminded everyone of the FCBC meeting at the Marilyn Rodman Performing Arts Center tomorrow morning, open to individuals and businesses.

3. 7:20pm - Neponset Reservoir/NRRC Update and Discussion

Mary Peterson, Kim Mellen, Cindy Tracy and Sheila Moore came before the BOS and introduced themselves. B. Keegan provided an update to the BOS as to the status of the reservoir and efforts done to date. He acknowledged the disagreements regarding the work that should be done to clean up and address the heavy metals (cadmium) present in the Neponset Reservoir. He said it has been helpful to him to partake in this fact-finding to bring himself and the Town up to speed.

C. Mitchell asked where the Town is with regards to the public comment period deadline; B. Keegan said the deadline is November 4th and the NRRC Licensed Site Professional (LSP) is currently working on a statement to submit. He said the BOS should then decide how to proceed from their perspective and suggested providing more additional information to the BOS to formulate a statement to submit. C. Mitchell asked when the LSP is expected to be complete; B. Keegan said he has completed a draft. K. Mellen said the NRRC is working on the draft response with the LSP and hope the BOS will look at the LSP comments and that the BOS will provide a letter that could be signed by other Boards in Town to show additional support. K. Mellen added the following points for the BOS to keep in mind:

- Current levels of cadmium in the Reservoir;
- Levels of cadmium in the Reservoir are better than in the past; and
- MCP process legally requires the Responsible Party (RP) to look at the effects on public welfare and believe that Schneider Electric has not done this as shown in their Permanent Solution Statement (PSS); obligated to demonstrate “No Significant Risk”.

K. Mellen said the NRRC would love if the BOS letter to submit echoes their concerns as she just shared. S. Moore suggested that the burden of the assessment should not be on the Town, it should be on the RP to do so. M. Peterson said MassDEP is not impartial in the process as they issue the permit and approval. C. Mitchell asked if that came up in B. Keegan’s meeting with MassDEP. J. DeVellis asked if the LSP was at the meeting; M. Elfman said no. K. Mellen said she thought it was a good idea for him to be there and there was some disagreement if the LSP should be there or not. B. Keegan said this was an initial meeting with MassDEP and intended for an additional meeting to occur with questions. J. DeVellis called out the tight timeline to respond and said the LSP needs to hear what occurred in the meeting with MassDEP and asked if other departments or boards had yet to be contacted for support. B. Keegan said other departments and boards had not yet been contacted and that both sides need to be heard prior to providing a response. M. Elfman said the meeting with MassDEP was more fact-finding in nature and was to bring the Town up to speed from their side.

L. Gibson said the letter should state the facts and present the Town’s case prior to the deadline before getting into what could happen down the road. M. Elfman emphasized the importance of getting the Board of Health and the Conservation Commission to provide an opinion letter. K. Mellen said she believed they have weighed in previously but some of this data is new to them. S. Moore said these boards have been involved all along and have previously provided comment. She then clarified that they are not trying to make a decision about dredging; they are seeking for MassDEP to address how the metals may affect the Town down the road if dredging needs to occur, taking into account the increased sedimentation as indicated in the PSS.

B. Keegan said that MassDEP said the levels of cadmium were at such a low level that dredging would be a cost effective approach or a major concern. K. Mellen restated that the NRRC has been saying all along that possible future dredging would be a future use of the reservoir and is not identified in the PSS. C. Mitchell asked if there was a review period for MassDEP to go over comments collected. K. Mellen said MassDEP told the NRRC that they will review all comments and information collected during this period and should be able

to provide final comment on this matter in the spring of 2019. D. Feldman reiterated not enough attention has been given so far to the public welfare aspect and that the BOS letter and other committee letters should reflect that.

C. Mitchell asked what the next steps are given the deadline approaching and B. Keegan said to get comments from the Conservation Commission and the Board of Health and to provide comments and questions for the BOS to include in their letter. L. Gibson suggested asking the same questions to echo the same concerns. B. Keegan said the question becomes if the Town should take the questions to the next step, given the information provided by the LSP. Sheila said their goal is to call out that the welfare to the Town has not been addressed and it needs to be. M. Peterson added the acceptable levels of cadmium per MassDEP have changed, the levels have not changed in the Reservoir. K. Mellen shared with the Town that the NRRC has posted an online petition for those who have asked what they can do to help and said there are almost 400 signatures so far.

4. 7:35pm - Patriot Place - Whole House Group, LLC d/b/a Battle Road Brewing Company - Discussion/Possible Action Relative to Approval of (29) 1-Day Entertainment Licenses

Attorney Kristen Scanlon and Ashley Hanson came before the BOS. Attorney Scanlon told the BOS these applications are in conjunction with the previously approved 1-day alcohol licenses approved by the BOS at the 8/21/18 meeting. Attorney Scanlon said the proposed entertainment under these licenses includes three televisions and background music, with the exception of a live band on 10/11/18 for the opening of the space from 6:00 p.m. to 9:00 p.m. C. Mitchell asked if it would be the only night to have live entertainment; A. Hanson said this would be the only night and there is potential for an additional date in December and that they would come back before the BOS. B. Keegan told the BOS an internal review was conducted for this property and has been reviewed by Inspections, Health and Public Safety for comment. C. Mitchell asked if a building permit was pulled; B. Keegan confirmed. L. Gibson asked if all of the comments made internally had been addressed; B. Keegan confirmed they had. D. Feldman asked when they anticipate beginning the construction work; A. Hanson said B. Earley would be able to provide an update. D. Feldman said it was more about the change in use than the actual construction.

Motion made to Approve (29) 1-day Entertainment Licenses for 10/11/18, 10/12/18, 10/13/18, 10/14/18, 10/19/18, 10/20/18, 10/26/18, 10/27/18, 11/2/18, 11/3/18, 11/4/18, 11/9/18, 11/10/18, 11/16/18, 11/17/18, 11/23/18, 11/24/18, 11/30/18, 12/1/18, 12/2/18, 12/8/18, 12/14/18, 12/15/18, 12/21/18, 12/22/18, 12/23/18, 12/28/18, 12/29/18 and 12/30/18 made by L. Gibson, motion made second by M. Elfman

Discussion: C. Mitchell asked if the BOS would like to add a stipulation for future dates with more bands that the applicant come back before the BOS for approval; B. Keegan said they could act under the entertainment licenses with bands in the future without coming back before the BOS. J. DeVellis said they called out that one date as the only date with live entertainment; C. Mitchell agreed. C. Mitchell said to add the stipulation in the motion.

Final Resolution: Motion Carries 5-0-0

5. 7:45pm - FY'20 Budget - Discussion of the FY20 Budget Development Process and Process for Seeking Clarification of Responsibilities under the Foxborough Town Charter

B. Keegan said that during the past year, discussion points have arisen during the budget process regarding the roles and responsibilities of those involved and what is stated in the Town Charter. He suggested Town Counsel come in to explain the budget process as stated in the Town Charter and suggested Town Counsel come before the BOS to explain the Town Charter. He said he would like to have a forum to have the discussion. C. Mitchell said he agreed with B. Keegan that reviewing the Charter has not been done recently and has value. B. Keegan said he will send suggested dates to the BOS to add to a future meeting for discussion. J. DeVellis said he read through the by-law for the AdCom and read through the Town Charter and the regulations about the responsibilities of the BOS and the AdCom and agreed there is a dispute. He suggested having the chair of

each Board come in to have this discussion instead of paying Town Counsel to come in; said things are being done differently than in the past. C. Mitchell said there has to be one authority that tells everyone what is said in the Town Charter. J. DeVellis called out the value in having a discussion with all parties prior to meeting with Town Counsel. B. Keegan said the discussions amongst all parties have occurred and have disagreed and said it is the role of the Town Counsel to interpret the Town Charter. J. DeVellis said in the past, the budget would come to the BOS prior to going to AdCom and that is not what is done now; the need for this distinction has been brought up in the past. B. Keegan emphasized the interpretation of this can only be made by Town Counsel and he wants to ensure all practices are being done correctly. B. Keegan said he wants a definitive interpretation to be made for all parties. M. Johns said he was at the prior meeting where this came up unexpectedly and he agreed with B. Keegan that Town Counsel should be present for this conversation to provide interpretation. J. DeVellis suggested having a smaller working meeting prior to coming back before the BOS. The BOS was in agreement that the Town Counsel should be present at the meeting. C. Mitchell asked B. Keegan to reach out to all parties to set up a meeting next week.

6. 7:55pm - Selectmen's Update

C. Mitchell said Special Town Meeting was last week; quick meeting. C. Mitchell said the POW/MIA and Memorial Hall events last weekend were a success.

7. 8:00pm - Town Manager's Update

B. Keegan said SEMRECC received a \$2,000,000 grant from the State for the development of the project. He said the Town did not receive a successful bid on the Downtown RFP; one bid was submitted and it did not meet the requirements. He said the Town will be going back to the drawing board for this. B. Keegan asked if the BOS is still in agreement for getting electronic signatures for licensing and wanted to know if L. Gibson was in agreement with the previous decision made. J. DeVellis asked if this was just for the year-end licenses; B. Keegan confirmed. The BOS acknowledged all are in favor of electronic signatures for year-end licenses.

8. 8:05pm - Assistant Town Manager's Update

M. Johns said the new Building Department Administrator started yesterday; excited to have her here to shadow Valerie Green who is retiring in a couple weeks. He said the VSO Position received 65 applications and phone interviews will be set up. C. Mitchell asked what the timeline would be through hiring; M. Johns said up to the holidays. He said the Town will start pulling together the recruitment process for a new fire chief as Chief Hatfield is retiring in January 2019. He said the Town is continuing to move forward with three collective bargaining discussions; library, police and dispatch; dispatch has filed for mediation.

9. Action Items

9.01 Appointment of Joe Lally as Town Election Worker for a 1-year term expiring August 30, 2019

Motion to Appoint made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

9.02 Verizon New England, Inc. - Approval of Petition for Conduit Location - East Belcher Road and Spring Brook Road

Motion to Approve Petition made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

9.03 COA/HS - Acceptance of Gift Donation of \$570.00 to the Council on Aging/Human Services from the Friends of Foxboro Seniors for programs held at the Senior Center

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

9.04 Historical Commission- Acceptance of a Gift Donation of \$300.00 to the Historical Commission from the sale of donated books at the Memorial Hall's 150th Celebration from multiple donors

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

9.05 BOS Approve minutes from 9/6/18

Motion to Approve minutes made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

Motion to enter executive session at 8:32 p.m. to discuss strategy with respect to Collective Bargaining relative to a Step 3 Grievance under the Police Collective Bargaining Agreement where an open meeting may have a detrimental effect on the bargaining position of the public body, and not to reconvene in open session motion made by L. Gibson, motion made second by M. Elfman.

No further discussion

Final Resolution: Motion Carries 5-0-0

Roll Call: L. Gibson – Yes; J. DeVellis – Yes, C. Mitchell – Yes; M. Elfman – Yes; D. Feldman - Yes