

Tuesday, November 27, 2018
Board of Selectmen's Meeting Minutes
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
Michael Johns, Veterans Services Director
Amanda Smith, Community Information Specialist

C. Mitchell opened the meeting in Public Session at 6:32pm to announce that the Board would be entering into Executive Session. L. Gibson made a motion to enter Executive Session at 6:32pm.

Motion made to enter into Executive Session to Conduct Strategy Sessions Regarding Collective Bargaining Negotiations with Dispatch Union Personnel to Reconvene in Open Session 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

Chairman Mitchell reopened the Public Session from Executive Session at 7:00 p.m.

C. Mitchell introduced Selectmen for a Day, Dexter Griffin, and he read the agenda into the public record. C. Mitchell explained that Dexter won “Selectman for a Day” at the B.I.T. Auction this year.

2. Citizen's Input

No citizens present for Citizen’s Input

3. Eagle Scout Recognition

Matthew Gonsalves came before the Board. M. Johns read a letter of Recognition to M. Gonsalves and gave a bit of background of his project for the Board. C. Mitchell echoed congratulations to Matthew and his parents for his work on the Common with the flags.

4. "Selectman for a Day" Citation

Dexter Griffin read his citation into the public record.

5. Introduce new Veterans Services Officer

B. Keegan introduced Ally Rodriguez to the Board as the new VSO for the Town of Foxborough. B. Keegan read a summary of her resume to the Board. B. Keegan said this was a very competitive process and Ally rose to the top of the candidate pool. M. Johns said he was excited to meet his successor on Veterans Day and was very impressed with her. M. Bernard said there were 62 applicants; a screening by M. Johns; and an independent hiring process to interview the finalists.

Ally Rodriguez said it is an honor to serve the Town of Foxborough as the new VSO and has a vested interest in the Veteran community. She has served the Veteran community her entire adult life and is looking forward to working with everyone and to become an asset to the Community. C. Mitchell said he is confident in her ability to fill the roll and take on the challenge and thanked her for attending the Veterans Day events in Town. J. DeVellis congratulated her and welcomed her to Town. A. Rodriguez said her first day will be January 2nd. B. Keegan thanked her for coming to meet the Board and are excited to have her here.

6. The Kitchen Partners, LLC request change of d/b/a name from The Kitchen to Union Straw in connection with an Annual All Alcohol License, Common Victualler License, and 7-Day Entertainment License

Jennifer Mekler, a partner and director of operations at Union Straw, came before the Board. She said she will be the Executive Chef at the restaurant as well. M. Elfman asked when they plan to open; J. Mekler said the hiring has completed and they are doing trainings now. Hoping to open in a few weeks. B. Keegan said the building is in beautiful shape. B. Keegan said all fees have been paid and had to come back before the Board because the restaurant name was changed. J. Mekler said they wanted the name to be more historic and pay homage to the building and the history of the Town. C. Mitchell asked about the menu. J. Mekler said it will be upscale American that will suit adults and children and will include a large brunch menu. J. DeVellis asked how the recent job fair went at the restaurant; J. Mekler said it went really well with about 60 applicants and were able to fill front of the house really quickly. A local woman will serve as Executive Sous-Chef.

L. Gibson recused herself.

Motion to Approve change of d/b/a name made by M. Elfman, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 4-0-1 (L. Gibson recused)

7. BOS to Review and Discuss Dispatch Union Memorandum of Understanding (MOU)/Potential Vote to Accept

M. Bernard summarized the MOU for the Board and the public record. M. Bernard called out the importance of the dispatchers to the Town and the value they add to public safety of the community.

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

No further discussion

Final Resolution: Motion Carries 5-0-0

8. BOS Review and Discussion MBTA Commuter Rail Pilot Program/Vote to Authorize Chairman to Sign Pilot Program Memorandum of Agreement (MOA)

B. Keegan summarized the MOA document for the Board and said the plan would be for the pilot program to begin in May 2019. He said service would begin at the Gillette Stadium station and proceed down the Framingham secondary line to meet with the Fairmont line into Boston, ending at South Station. He said there would be seven trips per day; three in the morning, one midday and three in the evening. B. Keegan said the MOA identifies the Town of Foxborough as the host community as discussed in great length a couple years ago. He added that the prior Board of Selectmen worked diligently to add conditions to the MOA that have been addressed by the State to include no overnight train storage, no fee impact, and no at-grade crossings. B. Keegan said the train will not go farther than the station at the Stadium. B. Keegan said there is a runaround track that would allow freight to go by without being held up and prevent blocking grade crossings and it is important to note this MOA is to enable the 11-month pilot program to begin, followed by a review period.

Dan Krantz, Kraft Group, and Paige Duncan, Planning Director, came before the Board. P. Duncan clarified the runaround track is the result of previous arrangements made in 2015 to construct the track; the pilot program only works with existing track and rolling stock. C. Mitchell asked if the pilot is a success, when regular service would start. D. Krantz said that is not definitively known yet but expect the pilot to continue until full service schedule could be created; perhaps 6 months to 1-year following completion of pilot and would not be called pilot at that point. P. Duncan said after 1-year of service, the Federal Transit Administration (FTA) standards consider it permanent service. C. Mitchell asked when the Town can weigh in after the 11-month pilot period; D. Krantz said he would expect the Town could weigh in at any time throughout the pilot program. D. Krantz recalled February 2017 meeting with the Board that they committed to do traffic studies and those are scheduled to begin spring 2019 prior to start of Pilot program and will follow-up with additional studies after started. M. Elfman asked about the Town having a seat at the review committee meetings; D. Krantz said between the Town Planner and Town Manager, the Town has always been represented. The Board is welcome to attend if desired. B. Keegan said it is up to the Board to create a committee if needed to review and discuss the pilot program. P. Duncan said if discussion is moving toward permanent service, the Town needs a voice. D. Krantz said he would like to return to the Board quarterly to provide an update as the Kraft Group sees this as a public-private partnership. C. Mitchell encourages a 6-month check in meeting. B. Keegan said it is important to review the impacts to the neighbors of the service and discuss any concerns raised. J. DeVellis said the MOA before the Board lists MassDOT, MBTA, Foxborough Realty and the Town as partners and language only protects three of the four as the success of the program is measured by ridership. J. DeVellis said baseline studies starting six months from now when this was discussed two years ago is not efficient. J. DeVellis said he thinks more discussion should be centered on protecting the Town through mitigation of abutters and potential negative impacts. D. Feldman said the Board has spent two years discussing this and the previous Board discussed this with multiple public hearings. D. Feldman said those discussions have gotten to this point with the MOA and the Pilot Program and the pilot program needs to begin to see what it does. D. Feldman said the debacle with CSX in South Foxborough is separate from this and MBTA is different from CSX. D. Feldman said the meetings with the Fiscal Management Control Board are thorough and have helped the Town greatly to date. D. Feldman suggested using the 6 months until the start of the pilot program to start a committee and develop an evaluation program, potentially using the parameters written up by MassDOT. J. DeVellis asked that this be put in writing; B. Keegan said he would be happy to do this and would like to better understand the wants of the Board for this committee. P. Duncan said the impacts to measure would have to be determined by the Board; J. DeVellis said he is concerned about the impacts to the entire area around the station and suggested the Board work with the Kraft Group to develop the parameters. C. Mitchell asked when it goes to the next stage, is there another agreement for the Town to sign; D. Krantz said yes. B. Keegan said the Board has the ability to say that the program is not working should something arise; unlike the issues with CSX and the freight. J. DeVellis said he would like to have a method to measure if and why something is not working to protect the Town. C. Mitchell suggested the Board vote to authorize the Chairman to sign the MOA and develop a committee to develop a document listing the written parameters to measure the success of the program. D. Feldman asked when the Kraft Group plans to do the baseline study; D. Krantz said the baseline would begin early March. B. Keegan encouraged the Board to begin to think of parameters and goals of the committee and send them along to his office.

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

No further discussion

Motion Carries: 5-0-0

9. Selectmen's Update

M. Elfman congratulated Coach Martinelli and the FHS Football team for their amazing win at Fenway Park last week.

C. Mitchell thanked Jim and Mike and Veterans group for delivering turkeys to Veterans in Town. C. Mitchell thanked all for participating in the holiday events that occurred on the Common last Saturday. B. Keegan echoed the collaborative effort. C. Mitchell said the FHS Swim Team is putting on a dinner for local Veterans on December 7th at 6:30pm. D. Feldman passed along the Board's condolences to Gordon Greene following his wife's passing.

10. Town Manager's Update

B. Keegan said the budget process is well underway.

B. Keegan said the public meeting on November 19th regarding CSX was well-attended and has prepared a letter for the Board to sign and submit from the Town. B. Keegan said the Town is continuing to have more conversations about the problems and has been getting reactions from parties involved. This problem is getting a lot of attention as it should; there have been 36 instances this past year with rail crossings blocked by the trains. The length of the trains have increased dramatically over the last few years and CSX has fewer people operating the train and tracks, causing delays and creates a nuisance and public safety concern. If no satisfaction, Town will pursue legal action and fines before December 25, 2018. B. Keegan said the Town will continue to be supportive of the residents in the area to rectify the situation.

B. Keegan also congratulated the FHS football team in their amazing win over Mansfield.

11. Assistant Town Manager's Update

M. Bernard said she and M. Johns are still working to navigate the civil service process. M. Bernard said the Town has been working to close negotiations with the Library Union. She added the Personnel Board met this evening; welcomed a new member. M. Bernard announced the promotion of Officer Collins this evening at the Foxborough Police Department and offered congratulations to Officer Collins on her promotion to Sergeant.

M. Johns summarized the responses to the Assistant Assessor job posting that just closed, as well as other job openings in Town.

12. Action Items

12.01 COA/HS - Acceptance of Gift Donation of \$35.00 from Anonymous for the lock box program 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

12.02 Officer Kenneth Fitzgerald - Approval of \$2,055.00 for Tuition Reimbursement

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

No further discussion

Final Resolution: Motion Carries 5-0-0

12.03 Officer Scott Dion - Approval of \$2,055.00 for Tuition Reimbursement

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

No further discussion
Final Resolution: Motion Carries 5-0-0

12.04 Nirvi Inc. d/b/a Olive & Mint Ambrosia Weddings & Events - Approval of an early liquor license extension request of 11:00 a.m. for potential New England Patriots home playoff games on Sundays in 2019, Easter 4/21/19, Mother's Day 5/12/19 and Father's Day 6/16/19

Motion to Approve made by L. Gibson, motion made second by M. Elfman
No further discussion
Final Resolution: Motion Carries 5-0-0

12.05 Nirvi Inc. d/b/a Olive & Mint Ambrosia Weddings & Events - Approval of extended closing hours on New Year's Eve to 2:00 a.m. on 1/1/2019

Motion to Approve made by L. Gibson, motion made second by M. Elfman
Discussion: M. Elfman said normal no alcohol serving after 12:30 a.m.
Final Resolution: Motion Carries 5-0-0

12.06 Lakeview Pavilion - Approval of early liquor license extension request of 11:00 a.m. on Saturdays in 2019

Motion to Approve made by L. Gibson, motion made second by M. Elfman
No further discussion
Final Resolution: Motion Carries 5-0-0

12.07 Orpheum Theater - Approval of (7) 1-Day Wine & Malt Beverage Liquor License Applications for Junie B. Jones Musical and Whole Lotta Heart Concert on 12/1/18 from 1pm - 11:45pm; Divas with a Twist on 12/11/18 from 6pm - 11:45pm; Jim Slattery and Big Rock Finfish on 12/28/18 from 6pm - 11:45pm; Beatles Tribute Band and Studio Two on 12/29/18 from 6pm - 11:45pm; Thirty 6 Red on 1/5/19 from 6pm - 11:45pm; Todd Barry Live Comedy Show on 1/26/19 from 6pm - 11:45pm and Foxborough Firefighter Comedy Night Out with Michael Petit on 2/16/19 from 6pm - 11:45pm

Motion to Approve made by L. Gibson, motion made second by M. Elfman
Discussion: J. DeVellis recused himself and sat in the audience. D. Feldman said the Board has been very supportive of the Orpheum and Mr. Hickey's work there. D. Feldman asked for a status his plan is for the full annual license. B. Hickey said the process for obtaining the full license can take 8-10 weeks and he felt it necessary to extend his 1-day licenses out to finish out this process. He explained his approach to apply for the remaining 1-day licenses into 2019 at when they will be prepared to apply for the annual license as he understands you cannot apply for the one-day licenses when an application for an annual license is pending. D. Feldman said he asked the question because he wanted to understand what the long-term plan is for the theater and the status of the work. B. Hickey updated the Board about the construction changes at the Theater and current reviews by Town Departments. D. Feldman reminded B. Hickey to reach out to FoxCares early on in the process. C. Mitchell said he would like to clarify that all alcohol is removed from the premises following the event as indicated by the Chief of Police.
Final Resolution: Motion Carries 4-0-1 (J. DeVellis recused himself)

13. Adjourn

Motion to adjourn at 8:11 pm made by D. Griffin, motion made second by M. Elfman
No further discussion
Final Resolution: Motion Carries 5-0-0