

**TOWN OF FOXBOROUGH
SELECTMEN'S MEETING
MINUTES
FEBRUARY 20, 2018**

Members Present: David Feldman, Christopher Mitchell, Mark Elfman, James DeVellis, and Virginia Coppola

Others Present: Jack Dolan, Frank Spillane, Randy Scollins, and Lisa Sinkus

The meeting was called to order at 7:00 pm by Chairman David Feldman.

Mr. Feldman read the agenda

Dave expressed his sadness for the loss of Mark "Doc" Elfman's wife, Linda. Chairman Feldman mentioned how Doc and Linda Elfman always reached out to help others and through organ donation from Linda, two other lives were saved.

7:00PM- Citizen's Input: Dave recognized there was no citizen's input

7:05PM- 2017 Year- In- Review Video: Bill thanked the staff at Foxborough Cable Access for the material in the video. Bill mentioned there were nice highlights of 2017 events.

7:15PM Public Hearing – CRGE Foxborough, LLC d/b/a Toby Keith's I Love This Bar and Grill- Selectman Feldman informed the Board when reading the agenda for the night that this application was withdrawn by the applicant.

7:30PM- Colwen Management, Inc. d/b/a Renaissance Hotel at Patriot Place and Hilton Garden Inn at Patriot Place- Change of Manager to Socrates Ramirez.

Socrates stated he is the General Manager for the hotel and has been employed since November 2017. He has ten years of work experience in the hospitality industry and is TIPS certified. He is a member of Foxcares and went to the last meeting and talked about crowd control.

Mark Elfman made a motion to approve Socrates Ramirez as the new manager for Colwen Management, Inc., d/b/a Renaissance Hotel at Patriot Place and Hilton Garden Inn at Patriot Place
Seconded by Chris Mitchell. Final Resolution: Motion Carries: 5-0-0

7:40PM- Attorney Michael Knight- Frank Spillane explained Attorney Knight had a conflict tonight and could not make the meeting. Frank represents the buyer of the property. He said he knew in advance there was a tax lien on this property at 96 East Belcher Road. He mentioned the owner is someone who is not a developer and said the owner just got behind on his taxes. He added that in order to clear title, releases needed to be signed by Planning, Conservation, Board of Selectmen, and also utility companies.

Frank asked the Board to vote to approve executing the "Release Of Easements and Utilities". He also stated since there will never be a road or sewer on the property no easement is needed. He asked the Board to hold all releases in escrow until after the closing. After closing, Frank would issue a check to the Town from the closing proceeds to pay all back taxes. He added that he is also working with the utility companies and those releases will take a bit longer to get.

Jim DeVellis mentioned that he would rather see the taxes paid up front and then the release signed. Randy Scollins said if this sale falls through then this property would go on the foreclosure list. However, Randy said he has worked with Frank on at least five other properties where back taxes were due and it resulted in full payment after closing. Randy said if we follow the process that Frank had explained then we should have a positive result. Mark Elfman stated that the only reason why this

situation is before the Board is because of the release of the easement otherwise the Board would not have been involved or have known about this property. Randy confirmed that was correct.

Motion made by Mark Elfman to release all rights granted in conveyance of easements and utilities in and to the land shown on a certain plan entitled "Definitive Plan of Land in Foxborough, MA Kinsman Court" dated April 1, 2006 with appropriate safeguards as discussed, with the release to be held in escrow until all funds have been paid and cleared. Seconded by Chris Mitchell. Final Resolution: Motion Carries: 4-1-0. (James DeVellis voted NO)

7:50PM- Paul Ahern/Schneider Electric- Neponset Reservoir Project- Per Bill Keegan, Paul's discussion about the Neponset Reservoir Project is strictly informational. Bill explained that Paul works for Schneider Electric and Bill would like Paul to explain how far the Neponset Reservoir environmental mitigation has come. Paul said that since 2013 samplings of the surface water and sediment in the ground water have been studied and investigated. Paul said they have reached a milestone and that the independent license site professional has filed a permanent solution statement. He also said that it has been determined that no other action is needed. Paul explained that he still needs to report to the DEP and explained the process. Paul said the public portion will probably be out by May 1st. Mark Elfman suggested that the Board have representatives from the NRCC at the next BOS meeting. Jim DeVellis also agreed and said the NRCC members could give the board a balanced perspective.

8:00PM- Bill Keegan/Randy Scollins- Town Manager's FY19 Operating Budget

Bill Keegan started the discussion about FY19 budgets and told the Board that he is not looking for any action from the Board tonight. Bill mentioned the information tonight is strictly informational. Bill stated he reviews each budget with every department head and then they are presented to the Advisory Committee. Bill said the process started in November and now he is in a position to make recommendations to the Board. Bill went through a timeline of the 2019 budget process and outlined the important target dates from the Powerpoint presentation. Bill explained this budget is level funded, preserving services, and included some enhancements (additions) to the budget. Randy Scollins lead the Board through specific budget numbers listed on the Powerpoint and explained the services and additions.

Bill Keegan emphasized he had a balanced budget and a surplus of \$432K. He further commented that it is good news because free cash is not being used to balance the budget and we would use the savings toward the Burrill School Project. Bill stated that health insurance will not go any higher than 7% but he is trying to get that number lower and will be working with MIIA. He also said that the Town's health insurance renews in on September 1st instead of July 1st so it throws off some of the numbers. Bill suggested that Foxborough might want change the renewal date to July 1st to be consistent with other communities.

Jim DeVellis spoke about the perception that Foxborough is paying workers and the administration above what other communities are. Jim said although Bill said he has a level funded and balanced budget, he is concerned about the budget increase of \$2.6M. He mentioned the additions to the budget like additional hours, additional services, and pre-kindergarten. Jim wanted to know what the cuts are because all he is hearing is increases. Bill Keegan said there was \$200-350K in cuts of which some may be because of saying no to increases. He mentioned one salary reduction in an Administration position resulting in a \$15K savings. Bill also stated that now the Town has a salary strategy. Employees are now on a new wage scale which avoids large shifts keeping increases to no more than 4%.

8:10PM- Mary Beth Bernard/Jack Dolan- CORI Policy Revision- Mary Beth said there were two versions in Board Docs: 1) The red line version so the board could see the changes and 2) the actual policy. Mary Beth informed the Board they had already adopted this policy however there needed to be changes because of new state regulations. Mary Beth said we currently use this policy Town wide for every single hire, volunteers, and those who have access to vulnerable populations.

Jack Dolan then explained the revised CORI Policy expands the entities that are subject to a CORI to include contractors and vendors, that a new CORI acknowledgement form must be used from the state approved site, how often you need the

acknowledgement form on rechecks, and how to verify a CORI subject's identity. He mentioned that MIIA also gives credit to Towns who adopt policies.

Chris Mitchell asked if this is the same policy that the schools use. Mary Beth stated the schools use their own policy and commented the schools' CORI is at a deeper level including fingerprinting. Dave Feldman asked how the 3 year anniversary is tracked. Mary Beth stated she keeps each department on the same cycle. Mary Beth also mentioned she asked the Town Clerk to put a module on the Boards/Committees software to track the CORI information. Mary Beth said if the Board adopted this policy, those who work with vulnerable populations would be CORI'ed every year.

Ginny asked how long the CORI information is viable. Mary Beth stated CORI reports can go back to the 1980's.

Motion by Mark Elfman to approve the revised CORI Policy
Seconded by Chris Mitchell. Final Resolution: Motion Carries: 5-0-0

8:20PM Selectmen's Update- There was no Selectmen's Update

8:30PM Town Manager's Update- Bill mentioned the Plainridge Park Casino release. He asked if the Board had any reservations about him signing off on it and each Selectman stated they did not.

Bill said the MSPA has approved the 3D Option for the Burrill School renovation. The cost will be \$35M and at a \$17.5M cost to the Town. Bill said this was important so that the project could move on to the next phase. Bill thanked Bill Yukna and the Permanent Municipal and School Building Committee for all their efforts on this project.

Bill received the annual update on the aggregation process and found out that 90% of the residents are participating in the program. He will be renegotiating the rates and mentioned our program is locked in at 9.2% which is good until October 2018.

Bill mentioned the employee performance evaluations and he said he had great feedback. He explained some employees after years of service had never received a review. Bill's approach is to use the evaluation as a coaching document and to identify areas of good performance and areas where employees may need to improve.

Bill provided the new language for CIP to the Board and explained it will be put on agenda for next meeting on March 6, 2018. Bill also said the Town reports are due and Administration will be putting the report together to have it ready for the Annual Town Meeting in May.

8:40PM Assistant Town Manager's Update- Mary Beth Bernard gave out the final draft of the Customer Service Survey. She explained it is a simple survey and it would be located at every department next week.

She also said performance evaluations were being wrapped up and she commented it was a productive and successful process.

Finally, Mary Beth announced the hiring of Amanda Smith as the new Community Information Specialist. Mary Beth expressed that Amanda has project management experience and prior to that interned at the Town of Franklin for a year and a half. Mary Beth also mentioned that after making the job offer to Amanda, she found out that Amanda's husband works for the Kraft Group. Mary Beth informed the Board that Amanda has agreed to file a disclosure with the Town Clerk's office as well as sign a confidentiality agreement.

Jim DeVellis stated he had strong reservations about this hire and he is looking at the best interests of the Town. Jim felt the person in the Community Specialist position is the front door to private business and it puts Jim in a situation where he can't speak freely. Jim also mentioned she would have access to BoardDocs which includes executive session documents. He questioned the hiring process and why only one candidate was interviewed. According to Jim, "On a PR process the Town fell short". He stated that it was beyond him how it wasn't known before an offer was made to Amanda that she was married to the business manager for the Kraft Group.

Ginny also said she had reservations. Ginny said she spoke to Bill Keegan about this candidate and the only reassurance she got was that Amanda would recuse herself in the event of a conflict of interest. Per Ginny, if you are a paid employee of the Town, you should not have a conflict where you would need to recuse yourself. Ginny is not comfortable with Amanda recusing herself. Ginny reiterated that the Board of Selectmen has all of their information the BoardDocs which Amanda would have access to.

Bill Keegan said there are many situations where employees may need to recuse themselves. Bill also stated that in the interview process there are certain questions you cannot ask. Who Amanda is married to is not something you can ask nor is it something that was discussed during the interview process.

Mary Beth explained the hiring process and how she picked Amanda from a pool of 500 candidates. Per Bill Keegan this is more of a perception issue than anything and said it is unfortunate but it can be dealt with. Bill said there will be safeguards in place meaning a confidentiality agreement will be signed as well as a disclosure. Jim DeVellis said that the Town should have looked on social media because it would have been discovered who the candidate's husband was.

Bill said he takes full responsibility for what happened but he didn't know. Bill has taken measures to address it.

Jack Dolan spoke about the conflict. It is not an uncommon situation where a candidate's business or employment intersects with their personal lives. Jack said the candidate would be subject to conflict of interest law and must keep information confidential. Per Jack, it is easier to know where there may be a conflict and address it. He also mentioned that every public employee is subject to the Conflict of Interest Law Chapter 268A. He also said it is true that you can't ask about marital status and can't expect an employee to offer that information. Jack recommended against using social media when hiring because it is unreliable information.

Jim DeVellis asked to see the confidentiality agreement. Mary Beth said it was drafted by Jack Dolan and she passed it out to the Board. Dave Feldman asked if there was a way to screen candidates through the interview process. Dave asked if we could include a standard question for inclusion in the application to avoid this in the future. He said it may not be full proof but it may help. Jack Dolan said that he could draft something.

Action Items:

12.01 Normandy Farms Campground, LLC- Approval of (4) one day wine and malt beverage license applications for a Food Truck Festival on 4/28, 5/5, 11/3, and 11/17/2018.

Motion by Mark Elfman to Accept one day wine and malt beverage license applications for a Food Truck Festival on 4/28, 5/5, 11/3, and 11/17/2018.

Seconded by Chris Mitchell. Final Resolution: Motion Carries: 5-0-0

12.02- Reappointment of Alyne Ricker as Co-Treasurer for the Foxborough Cultural Council

Motion by Mark Elfman to Approve Reappointment of Alyne Ricker as Co-Treasurer for the Foxborough Cultural Council

Seconded by Chris Mitchell. Final Resolution: Motion Carries: 5-0-0

12.03 Historical Commission- Acceptance of a gift donation of \$100.00 from the 28th Massachusetts Volunteer Infantry

Motion by Mark Elfman to Approve a gift donation of \$100.00 from the 28th Massachusetts Volunteer Infantry

Seconded by Chris Mitchell. Final Resolution: Motion Carries: 5-0-0

12.04 Veterans Services- Acceptance of a gift donation of \$140.00 for Veterans Transportation from the Orpheum

Motion by Mark Elfman to Approve a gift donation of \$140.00 for Veterans Transportation from the Orpheum

Seconded by Chris Mitchell. Final Resolution: Motion Carries: 4-0-1 (Jim DeVellis recused himself)

12.05 COA/HS- Acceptance of a Gift Donation of \$115.00 in Memory of Joyce Sonnenberg and Robert McIntyre from Mr. and Mrs. Gordon of Wet Roxbury and Jocelynn Trip of Foxborough and anonymous.

Motion by Mark Elfman to Approve a Gift Donation of \$115.00 in Memory of Joyce Sonnenberg and Robert McIntyre from Mr. and Mrs. Gordon of Wet Roxbury and Jocelynn Trip of Foxborough and anonymous.
Seconded by Chris Mitchell. Final Resolution: Motion Carries: 5-0-0

12.06 Boyden Library- Acceptance of a gift donation of \$95.00 in Memory of Wallace Carlson, Jr. from Donna Montgomery, David and June O'Leary, and Mary McEnaney.
Motion by Mark Elfman to Approve a gift donation of \$95.00 in Memory of Wallace Carlson, Jr. from Donna Montgomery, David and June O'Leary, and Mary McEnaney.
Motion Seconded by Chris Mitchell- Approved 5-0-0

12.07 COA/HS- Acceptance of a gift donation of \$100.00 in Memory of Roberta McIntyre from Mr. and Mrs. William Dye of Peachtree City, Georgia.
Motion by Mark Elfman to Approve a gift donation of \$100.00 in Memory of Roberta McIntyre from Mr. and Mrs. William Dye of Peachtree City, Georgia.
Seconded by Chris Mitchell. Final Resolution: Motion Carries: 5-0-0

12.08 Veterans Services- Acceptance of a gift donation of \$150.00 for the Iraq and Afghanistan War Memorial from Michael McLaughlin, Jr.
Motion by Mark Elfman to Approve a gift donation of \$150.00 for the Iraq and Afghanistan War Memorial from Michael McLaughlin, Jr.
Seconded by Chris Mitchell. Final Resolution: Motion Carries: 5-0-0

Motion by Mark Elfman to adjourn.
Motion seconded by Chris Mitchell
Meeting adjourned at 9:37 pm

Minutes Taken by Pam Riccio

Minutes approved by the Board of Selectmen- Date of Meeting: 03/20/18

Vote: Approved 5-0-0