

**Tuesday, June 26, 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 7:00pm by Chairman Mitchell.

1. Citizen's Input

Janet Kennedy, 45 Cocasset Street, wondering if the BOS would put on their agenda to protect the K-9 and its handler here. She referenced the tragedy in Yarmouth and brought information about the camera. Provided copies to the BOS.

2. Public Hearing - CBS Scene Patriot Place LLC d/b/a CBS Sporting Club - Alteration of Premises and Approval of Management Agreement

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

Steven Miller, Ed Kane, Charlie Kane, Chris Klein and Brian Earley came before the BOS. S. Miller gave a brief overview about the reconfiguration of the existing property to remove 300+ seats, move the kitchen from second floor to the third, and the total remodel of the third floor. He said the third floor will be all updated; approx. \$2.6 million to do the work; funded by the licensee and the CBS Corporation. He explained their previous attendance before the BOS to change the d/b/a reflects the change in the focus of the venue.

E. Kane introduced his brother Charlie (both of Big Night Entertainment) and said he is now the director of security for the company, given his background as a state police officer. Has retrained new and existing staff on procedures and how to do things. E. Kane said the kitchen is new and now on third floor, filled in hole in floor, allowing for additional seating. Designed to appeal to all; families, women and men. Proposing a gastro pub menu. Outside bar is now handicap accessible; thanked the Kraft Group for their help to make it accessible to all. Focal point is 25-foot LED screen – speaks to the sports theme. Bathrooms are unchanged. Mezzanine area above kitchen in back. 196 seats inside; 106 outside. Second floor is gone. Works during sporting events, day and night; and non-sporting times.

J. DeVellis asked about the second floor usage and S. Miller said it will now be food and beverage storage; the 1st floor remains the same. L. Gibson asked about access from first to third floor and S. Miller said there is an

elevator. C. Mitchell asked about managing the first floor and B. Earley said all food and beverage on the first floor would be managed by restaurant managers. M. Elfman asked when they expect to be finished and E. Kane said in the next two weeks; aiming for July 16th. J. DeVellis asked about transitions between meals during the day; E. Kane said food would be served throughout the day and if the market is there they would serve food later. J. DeVellis asked if CBS volunteered to have the card readers for the IDs and E. Kane said they use the newest technology readers in Boston and will use them at this location as well. C. Kane added the reader software is updated monthly in addition to extensive training for checking IDs at the door. J. DeVellis appreciated them for continuing to do that.

No public comments.

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 Alteration of Premises and Approval of Management Agreement made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

3. Public Hearing - Hughes Entertainment Inc. d/b/a LaserCraze/XtremeCraze

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

Craig Hughes, owner of Hughes Entertainment, Inc. d/b/a LaserCraze, rebranding to name XtremeCraze. Own family entertainment facilities with a focus on laser tag. About 50% of business is birthday parties for kids. They also host numerous groups; camp, church, school. C. Mitchell asked if this is a franchise, C. Hughes said no. M. Elfman asked where the location is, C. Hughes said it is in the Ocean State Job Lot plaza in the previous Chic-2-Chic location. L. Gibson said the reviews she read were overwhelmingly positive and C. Hughes said they work hard at really good customer service. J. DeVellis asked about the ZBA Special Permit process and concerns from abutters; C. Hughes said there were no concerns raised and some abutters came out to support it. L. Gibson pointed out the new design of the parking lot area just as an FYI. B. Keegan said the 20-day appeal period for the ZBA special permit ends tomorrow so the approval from the BOS should include the date of approval. C. Mitchell asked when he hopes to be up and running and C. Hughes said ideally by the end of the year.

No public comment.

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 Automatic Amusement License for Hughes Entertainment, Inc. d/b/a LaserCraze/XtremeCraze, effective Thursday June 28, 2018 made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

4. Neponset Reservoir / NRRC Inc. - Discussion - Final Draft Permanent Solution Statement

Rick Lewis, Rich Golemme (Conservation Commission representative), Mary Peterson, Cindy Tray and Kim Mellen came before the BOS.

R. Lewis said they met with the Conservation Commission (ConCom) last night about this report and explained the NRRC is also involved with the ConCom in the northeast area of the reservoir for a stormwater retention basin and parking lot for people who launch boats; a public hearing scheduled for July. R. Lewis told the BOS the primary reason for the NRRC coming in was to talk about the Final Draft Permanent Solution Statement (PSS) prepared by Woodard & Curran for Schneider Electric regarding the investigation and treatment of heavy metals and other contaminants; the culmination of a 5-year study. He explained the PSS has been reviewed by MassDEP and there will be a public information session on July 19, 2018 at Schneider Electric. He added that the NRRC believe there are a number of things not accurately represented in the report and the NRRC will have their consultant review it for technical completeness.

J. DeVellis asked about the funds set aside and if the NRRC has an LSP on contract to review the report and rebut in formal report or if there will be additional testing. R. Lewis said the rebuttal will rely on W&C testing and the NRRC testing that was completed 6 years ago; including core samples that were aged by W&C to document the problem has not gone away. J. DeVellis asked if the NRRC is looking to wrap up rebuttal by September 4th end of public comment period, R. Lewis said yes and J. DeVellis asked if that would include an LSP or an attorney and R. Lewis said with an LSP. R. Golemme said the two parties doing the evaluation are the two that said this was okay in the beginning; the Town is on the hook for everything. M. Elfman said there are two issues; there had been public hearings in the past and NRRC comments were ignored and in the event of a drought, the sediment could become airborne.

D. Feldman asked if the NRRC has had any contact with Schneider directly and R. Lewis said no. D. Feldman encouraged a conversation about on-going funding to the committee with a finite date might appeal to Schneider because open-ended might scare them. R. Lewis explained the process of source control; targeting the worst areas for removal; acknowledging the idea of dredging 100-acres versus a smaller area with identified goals might be a more reasonable compromise; the bulk of the cost is disposal and treatment. C. Mitchell asked if anyone has approached Schneider if they would be open to dredging or funding dredging efforts and J. DeVellis said it would be an interesting conversation because this current summary doesn't explain why they say the cost is too high in relation to the benefits. C. Mitchell asked how much money is in the NRRC fund and R. Lewis said they were given \$2.5 million for phosphorus. R. Lewis reiterated the charter was intended for weed control and use betterment.

C. Mitchell thanked them for coming in and all of their hard-work. M. Elfman asked what the BOS can do and R. Lewis asked the BOS to read the report and to come to the meeting on July 19th as there are regulatory and community obligations. R. Golemme said there needs to be conclusion from both sides; a reasonable solution to this whole thing. There is an Order of Responsibility and that does not go away.

5. Saga Hibachi Steakhouse - Extension of Hours

Xing Zi Lin came before the BOS to request the extension of hours to include Sunday at 10am. C. Mitchell asked if they would be serving brunch and Mr. Lin said they want to open early on the game days and usually serve food at 11am. C. Mitchell asked to confirm that Saga will have full food available at 10am on Sundays; Mr. Lin said yes. B. Keegan asked if there is a special menu and Mr. Lin said there is a game day menu they have used in the past that they will continue to use. J. DeVellis said the cover letter and public notice do not specify just game days and asked Mr. Lin if he wanted it for all of the game days and Mr. Lin said just game days. C. Mitchell asked for this to be corrected to state just game days instead of every Sunday. B. Keegan said this can be rectified and that Mr. Lin can come and meet with Pam at Town Hall to address this. J. DeVellis suggested the BOS close this agenda item with no action taken at this time.

Motion to take no action on the extension of hours for Saga made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

6. Informational Update RE: New Map & Parcel Numbering System for All Real Estate Property in Foxborough

R. Scollins came before the BOS to present and explain the updates to the map-parcel numbering system, effective immediately. R. Scollins classified this update as a significant change in how real property is identified in Town. He explained the purpose behind the change in numbering to account for future additions; went from 3 segments to 5 segments and that it would be a big change for those who use the map-parcel number, including mortgage escrow companies that deal with the Town. R. Scollins told the BOS that all companies and entities who reference these numbers have been notified and that every department that issues a permit in Town that has to do with a property is now using the updated system. He explained that he and his team had been working on this for two years to ensure a smooth transition through all systems, including outside providers and online payment provider that rely on these numbers. The five segments identify the map, parcel number, sub lot ID, building ID, unit ID; is a more logical numbering schema and will accommodate for more organized merges and splits. The updated system does not affect information at the Registry of Deeds as they use a "Book & Page" system. An old-to-new 83-page index is available on the Assessor's webpage; will move up to news and announcements on homepage as people receive their notices in the mail.

7. Discussion of Regional Dispatch / SEMRECC

B. Keegan gave an update on regional dispatch/SEMRECC and explained that the SEMRECC Board is planning to do a regional update with all four towns. The preliminarily on July 26th or August 1st in Mansfield. There is now an Executive Director on Board to help roll out the process and operate SEMRECC beginning July 1, 2019. The SEMRECC Board has been contemplating sites and the High Rock Hill site made good sense to explore due to its location at one of the highest points in four-town region; direct line sights. The High Rock site became the preferred site by the SEMRECC Board and will be presented at the regional meeting to talk about the transition plans. The SEMRECC Board has been working very closely with chiefs in all four towns to help bring this together.

Richard Parker, 74 West Street, came before the BOS and thanked them for putting this on the agenda. He said he was still looking for the feasibility study and questioned if it exists. He added that if it does exist he would like a copy and if it doesn't, he wanted to know what information the BOS uses to add this to the Town Meeting warrant. Rob Verdone, Executive Director of SEMRECC, came to the table to explain the feasibility study. R. Verdone took responsibility for the confusion regarding the feasibility study and said the study is not a single report; it is a combination of multiple reports. The study was completed in pieces to encompass the entire feasibility study for the District and it was presented at a joint Selectmen's meeting. R. Verdone told the BOS that he provided every document they have to R. Parker, including all pieces of the feasibility study. L. Gibson asked for clarification on the studies that were combined to make up the feasibility study. M. Elfman asked if R. Parker is comfortable with the answer provided to him about the feasibility study. R. Parker said he was met with roadblocks when he asked for it originally but was comfortable with the explanation provided. R. Verdone said the unique nature of the preparation of this study lends itself to confusion.

He also said that the State 911 Agency manages the grant funds and they are extremely particular about how the money is spent and disbursed. He said the funds used from the grant were 100% compliant. C. Mitchell asked if money has been spent and did the District get reimbursed for it and R. Verdone said yes. R. Parker said he got the building plans from Mansfield and quarterly reports from State 911 but it didn't specify what was meant by "professional services". R. Verdone said the documents he provided to Mr. Parker specifically state the details of payments and purposes/requests.

R. Parker asked about the 12-hour shift being identified as the most efficient way to run the regional dispatch center and if that is the goal because it would be a cost-saving approach. R. Verdone said his intent is to have 12-hour shifts and explained his experience using those shifts and their efficiency. R. Parker asked if the 12-hour shifts are in the best interest of the Town or residents being served. Chief Hatfield said that prior to him coming to Foxborough, he served as that city's Fire Chief. He said the city of Nashua always did 12-hour shifts with their Dispatchers and never had a problem. R. Verdone said he has personally worked 12-hour and 8-hour shifts in the past and 12-hour shifts allow for 4-day work weeks with 4 days off.

R. Parker asked what is the estimated total the grants will not cover when the dispatch is fully operational. R. Verdone said the District assessed approx. \$51,000 per town for costs not covered by the start-up grant. R. Scollins said the estimates were worked out together with the four different towns and the number referenced is conservative based on what the District will receive from the State once the facility becomes fully operational. R. Scollins said the Town will maintain a walk-up at the Public Safety Building and ideas to economize that have been raised by the Chiefs. R. Verdone said each of the individual Towns is eligible for Support Grants, presently that amount is approximately \$50,000 per town. When the regional dispatch center becomes operational, that number jumps from the collective four town amount of \$200,000 to \$900,000 under MGL Chapter 6A. Regional Dispatch Centers are highly incentivized by the State. Town operations cannot compare to what will happen at the regional dispatch. For example, the Town cannot currently take direct cell phone calls to 911. Once it becomes operational they will be able to take those calls. B. Keegan also noted that the High Rock site also provides some potential revenue options to the regional dispatch that were not anticipated. Particularly by using the Tower to rent space to other users. R. Verdone also said that the High Rock facility has the potential to be more of a green facility.

R. Parker asked why SEMRECC was listed as a Town Department. M. Bernard explained that when the Board of SEMRECC decided to recruit for an Executive Director, the Town needed to create it as a department to be compatible with the hiring software that the Town of Foxborough currently uses. She confirmed it is not a Town Department and that it will be removed from the listing.

R. Parker asked about the work being done on Regional Dispatch by the Town Manager, the Assistant Town Manager and the Finance Director and all the time being spent on this regional service. R. Verdone said that the Town Manager, Assistant Town Manager and Finance Director are all advisors and that he handles the finances and seeks counsel from subject matter experts from all four towns. He said that he has given back to the Town in the form of his expertise and technical experience to offset the time spent by the Town's officials.

R. Parker asked how R. Scollins knew that regional dispatch would be in Foxborough back in March 2018 when the official site was not chosen at that time. R. Scollins said he only speculated at the time and apologized if he misspoke; he meant it was up for discussion.

R. Parker asked about a full environmental impact study for the High Rock Site and if one is going to be provided? R. Verdone said he didn't anticipate that one would be done at this time as they have not crossed any thresholds that would require one. He did say that they are sensitive to the fact that this location is contiguous to the State Forest. B. Keegan said that State Division of Conservation Resources (DCR) are actually welcoming this possibility because in its present state, the site is an attractive nuisance. The District will maintain the road if the property gets turned over to the District. B. Keegan said the site itself would be an active construction project. The site is not located on State Forest land; it is on a separate parcel. B. Keegan also noted that the State is currently doing tree trimming in this area and that this work has nothing to do with SEMRECC. Mr. Parker agreed that this was part of a scheduled "thinning" of the forest.

R. Parker asked if there will be a meeting before the site is chosen if the residents of the four towns will be able to attend to voice concerns and ask questions. B. Keegan said it is something that they will consider doing with the four towns.

R. Parker asked about current employee benefits and salaries that will lead to money saving and that the reason they were doing this was to just save money by not paying for sick leave or vacation to the new employees. B. Keegan said that it was presumptive on Mr. Parker's part to make such a statement that he was unsure where that information came from. R. Parker recalled normal new hire procedures. R. Verdone said R. Parker made a very direct statement that has not yet been determined and reiterated his invitation to all employees to come talk to him about employment, benefits, etc. because he wants to keep all employees informed on this topic. It will be an open hiring process so he hopes that existing employees will still apply. R. Verdone said the intention is to be competitive and make the new RECC an enjoyable place to work. M. Bernard said under the current the contract (for Foxborough Dispatchers), the Town is required to pay out any unused vacation time and some sick time when the Dispatch Center is closed in Town. People will be compensated for whatever benefits they are entitled to receive (as determined by their contract) upon leaving.

R. Parker asked if the Town has a policy for Town vehicles working out of Town because there was a Foxborough Fire truck plowing the High Rock Access road this past winter. He said that 75% of that road is located in Wrentham. Chief Hatfield said there was an inspection being done for the wiring and he approved the use of the Town vehicle to plow the road. The Chief said that they have an antenna on the building and needed to access it.

J. DeVellis said it would be nice if moving forward the information could be kept all in one place for review; including the reports just discussed, the information used as the basis for presentation in Mansfield and a preview of what will be presented at the next four-town meeting. B. Keegan said we have copies of all of the information and can get information to the BOS prior to the next meeting. R. Verdone said he can provide the redacted versions of the reports. J. DeVellis asked for copies of the feasibility study to be given to the BOS and added that he never saw information outside of a PowerPoint and would like to see the information used to create the PowerPoint. B. Keegan said some of that information was done by staff and that the draft study served as the basis for the presentation in 2017. R. Verdone said he will provide the redacted versions to the BOS.

8. Discussion with Advisory Committee Members, Bernard Dumont and Stephanie McGowan

Stephanie McGowan and Bernard Dumont came before the BOS. S. McGowan provided information that she (emails and BK statement) to the BOS that she intended to discuss tonight. S. McGowan, 19 Rhodes Lane, thanked the BOS for allowing her to come this evening. She recalled her appearance at the April 3, 2018 BOS meeting when she spoke during Citizen's Input and the April 17, 2018 BOS meeting when B. Keegan responded. She said she got a written statement from the Attorney General's office regarding the incident in question and then called out discrepancies in B. Keegan's statement. She clarified said that at the time that B. Keegan and R. Scollins did not yell at her as she said; she perceived it that way given the number of voices in the room at that time. She admitted she was wrong at the time for saying that previously. S. McGowan summarized the opinion of the Attorney that said she did not have to step down or recuse herself; there was no conflict present as there would be no direct financial benefit from the capital budget.

C. Mitchell said he appreciates her coming and sharing her side of the story and S. McGowan said she did not agree with the statement but wanted to admit she was wrong too. B. Dumont, 5 Smith Lane, said as the chair of the Advisory Committee (AdCom) he is always mindful of the potential conflict of interest. B. Dumont recalled the meeting and the quote from B. Keegan to hold off until you get an opinion from the State Ethics Commission. He told the BOS that he had hoped at the time, once there was an opinion from the SEC, all parties could get together and understand the issue. He said it all goes back to them being very cautious and others in the room may have interpreted the exchange differently. He said all parties were trying to protect S. McGowan and the Town. L. Gibson said those issues can be very complicated and that the timing of the letter could have been delayed. B. Keegan agreed with B. Dumont's statement that all wanted to protect the AdCom and the Town was being very conservative in its approach. S. McGowan said she had disagreed with B. Keegan

and R. Scollins at the time for saying she “can’t” speak before getting the opinion. S. McGowan said she may step down in the future when the education budget is discussed to prevent any perception of a conflict. She agreed more discussion prior to the statement being written would have been beneficial to all parties and said she would have had no problem being told she violated the ethics law if that occurred.

C. Mitchell thanked her for coming and S. McGowan said she appreciated the BOS. J. DeVellis said this is the third time this has come up and that the AdCom must remain autonomous. He said B. Dumont has to run the meeting and that Town Administration should not insert themselves; there is a fine line to preserve autonomy. He said he was disappointed there was direction from Administration but that the Chairman has to maintain the meeting. S. McGowan said she reached out to the Moderator for his advice and still had a question at the end of the discussion by the rest of the AdCom. S. McGowan expressed her concern with the articles written after this incident about residents sitting on committees who may have a perceived conflict similar to her. B. Dumont said after reading the points from the Attorney General he would do it the same way again and advised the BOS to read it carefully and said he is very cautious in everything he does. He invited the BOS to read the Attorney General’s response and suggested reconvening after all of the information has been read. B. Dumont reiterated the AdCom is very independent as a Town board.

9. Selectmen's Update

C. Mitchell gave a shout out to B. Flagg for running a great event on Saturday, the “Be a Buddy Not a Bully” Softball game. Chief Hatfield said the Fire Department won against the Police Department. L. Gibson said the event built momentum throughout the day and it was a great message for the kids.

10. Town Manager's Update

B. Keegan said next week is a holiday week and said the adjusted schedule of Town Hall business hours will be a late Monday and an earlier close on Tuesday. B. Keegan said the water ban in Town is similar in other towns. At 4am, the Town water pressure was reducing significantly and posed a potential public safety issue and that is why the Water Ban was put in place.

B. Keegan said he has always tried to preach continuity staff planning in an organization and when M. Bernard announced her retirement, he thought this may be a chance to practice what he preached. He said he thought this might be a great chance to do an internal promotion for the Assistant Town Manager’s position. He then announced that he was recommending Michael Johns, the Town’s Veteran’s Agent, as the employee he had in mind for this promotion. He said he would like to give him an opportunity to shadow Mary Beth for the next six months and to learn from her directly to help ensure a smooth transition. M. Bernard said she was excited to find an internal candidate and that she would work on a transition plan. C. Mitchell asked about the hiring for the Veterans’ Agent. J. DeVellis said asked if Mike would be taking on the two roles that M. Bernard currently holds in Town. M. Bernard said he already has a lot of experience and she will help train him for the HR role. B. Keegan said the HR function is now in a better position than when M. Bernard started and the support would exist for M. Johns. C. Mitchell asked to see the transition plan. M. Bernard said she will provide the transition plan and will also share the updated job description for the Assistant Town Manager position. L. Gibson agreed that there was not a long time to react as J. DeVellis said and added that it is hard to imagine the transition in six months without a transition plan. She added that HR is complicated to come into without the background. B. Keegan added that he was a former HR Director and that he could also assist in this transition process. M. Elfman asked if M. Johns would be involved in the Fire Chief selection process and M. Bernard said yes.

11. Assistant Town Manager's Update

M. Bernard said the Town will engage in collective bargaining with the library and hoping to sit down with Fire soon. The Human Services Director search is going well and the job posting closes on June 30th; 60-70

candidates so far. C. Mitchell asked when Vicki's last day is and M. Bernard said end of July; hoping to submit an offer to a candidate before then. C. Mitchell asked about the pool of candidates and the screening process and M. Bernard said they will narrow the pool of candidates down to 5-10 candidates following a telephone interview process; similar to how it has been done in the past.

12. Action Items

12.01 COA/HS - Acceptance of Gift Donation of \$35.00 from Anonymous to the Council on Aging/Human Services

Motion to approve gift donation made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

12.02 Recreation - Acceptance of Gift Donation of Beautification Services at Mill Street property to the Recreation Department from 360 PR+

Motion to approve gift donation made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

12.03 Bay Colony Group, Inc. / TH Belcher Fox LLC. - River Ridge subdivision roadway name change

Motion to approve roadway name change made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

12.04 The Sage School- Approval of a 5k road race run/walk starting & ending at 171 Mechanic St on Saturday May 4, 2019 from 9:00 a.m. to 10:30 a.m.

Motion to 5k road race application made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

12.05 Approval of a Block Party application by Amy Spognardi of 22 Eastman Ave for Phillip Lane on August 25, 2018 from 3:00 p.m. to 8:00 p.m. with rain date of August 26, 2018 from 3:00 p.m. to 8:00 p.m.

Motion to approve block party application made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

13. Adjourn

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

No further discussion.

Final Resolution: Motion Carries 5-0-0