

Tuesday, June 11, 2019
Board of Selectmen's Meeting Minutes
Foxborough Town Hall
Andrew Gala Meeting Room
7:00pm

Members present: Mark Elfman, Chairmain
Leah Gibson, Vice Chair
Edward T. O'Leary, Clerk
David Feldman
Chris Mitchell

Others present: William Keegan, Jr., Town Manager
Michael Johns, Assistant Town Manager
Amanda Smith, Community Information Specialist

Minutes generated by Amanda Smith

Chairman Elfman called the meeting to order at 7:00 p.m. and read the agenda into the record.

1. Citizen's Input

Pat Stevens, 63 Mechanic Street, came before the BOS to provide an update. The yellow crossing signs went up on Pleasant Street; L. Gibson asked if it had been repainted yet; P. Stevens said not yet.

2. Public Hearing - Smiley Stores, LLC d/b/a Hops and Grapes Variety Store - Application from Smiley Stores, LLC d/b/a Hops and Grapes Variety Store for Change in Category from an Off Premises Annual Wine and Malt Package Store License to an Off Premises Annual All Alcohol Package Store License authorized by Special Legislation Chapter 326 of the Acts of 2018

E. O'Leary read the public hearing notice into the record.

Attorney Jeff Lovely submitted an affidavit of service for the record. Attorney Lovely introduced himself on behalf of his client, Mr. Hashish Rival (SPELLING) of Hops and Grapes. Attorney Lovely said his client has gone through quite a process to upgrade his license from a beer and wine license to a full alcohol license. Attorney Lovely recalled the Town Meeting vote in 2018 that granted this license and the special legislation that issued this license. Attorney Lovely said his client has regularly operated his business professionally and identifies the area in which the store is located as underserved.

E. O'Leary acknowledged this as a very long process and said he is glad that Mr. Rival has gotten this far and commended him for his patience and dedication. C. Mitchell echoed his commendations for continued effort and patience and wished him luck. D. Feldman said everyone talks about the process and said it is very long and arduous as times, but it does work. D. Feldman wished him luck.

M. Elfman opened it up for public comment. Gary Nash, 227 Central Street, came before the BOS to say his property abuts this business and wanted to come support Mr. Rival in his license upgrade.

Motion to Close the public hearing made by E. O'Leary, motion made second by D. Feldman
No further discussion
Final Resolution: Motion Carries 5-0-0

Motion to Approve Application from Smiley Stores, LLC d/b/a Hops and Grapes Variety Store for Change in Category from an Off Premises Annual Wine and Malt Package Store License

to an Off Premises Annual All Alcohol Package Store License authorized by Special Legislation Chapter 326 of the Acts of 2018 made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

3. Common Victualler Application - New Ownership - New England Authentic Eats, LLC d/b/a D'Angelo Grilled Sandwiches Application for Common Victualler License to expire 12/31/19

M. Elfman said he is surprised that no one is here for this application; L. Gibson said this application appears to be an administrative change. B. Keegan said it is the BOS discretion to approve without a representative present; BOS concurred to proceed. C. Mitchell asked if the Board of Health inspected this property under new ownership; B. Keegan said the Board of Health has this location on a regular inspection schedule and will conduct an inspection of the property as required.

Motion to Approve Common Victualler Application made by EO, 2nd by DF

No further discussion

Final Resolution: Motion Carries 5-0-0

4. Flag Discussion - Discussion regarding placement of flags on the Common

Ron Rogers came before the BOS again to continue the previous discussion about flags on the Common. M. Elfman thanked Ron for his letter at the last meeting and thanked him for taking the time to put it together for the BOS. B. Keegan thanked R. Rogers for attending the meeting tonight and acknowledged that he and Ron had been discussing this issue for a couple years. B. Keegan said his office has not received many complaints about this but understands that R. Rogers has a concern with this as expressed in the past. B. Keegan offered an idea that was suggested to put up banners on the existing light poles that surround the Common that may show the Patriots logo, as well as the Foxborough High School sports logo, showing pride in all of our local, hometown teams. B. Keegan said this idea has not yet been flushed out and is open to any other ideas presented.

L. Gibson asked for clarification about when the flag is flown and expressed that the flag is not flown year round and is not currently being flown. B. Keegan said the Patriots flag has not been flown since February and was only flown during Patriots home games but was not always done. B. Keegan said this has only been done in the last few years to commemorate the success achieved by the Patriots.

C. Mitchell asked if the intent is to not fly the flag on the Common again; B. Keegan said the idea he presented was an option in place of that. C. Mitchell suggested the BOS decide if to fly the Patriots flag at all. R. Rogers said the banners on the light poles would work if not on the Common and suggested a third flag pole at the Town Hall for special flags.

B. Keegan clarified that the Kraft Organization did not request the Patriots flag be flown on the Common, it was a gesture made by the Town. M. Johns said that when it was first discussed to raise the Patriots flag on the Common below the American flag and the Town Manager asked if this would violate the flag code or show a sign of disrespect. M. Johns reviewed the flag code and said that raising the flag in this manner would not violate the flag code; M. Johns reiterated that he is not taking a position on this, providing facts. M. Johns said when the concerns were first raised by Ron and other veterans he went to the VFW Post 2626 and asked if this was a problem; the VFW said no and that most would prefer the flag be flown than not. M. Johns said the one request made to achieve this was to ensure the two flags not touch at any time.

A. Rodriguez echoed M. Johns in that the flag code is guidance and does not have an opinion; the previous VSO and the Town Manager did not break the flag code. A. Rodriguez said she was here for support as

she understands R. Rogers' point of view. R. Rogers said an advertisement flag should not be flown with the American flag as stated in the flag code. E. O'Leary asked if flying the Patriots flag came up in conversation with the previous BOS; B. Keegan said it was discussed and was done in an effort to celebrate the accomplishments of the hometown team. D. Feldman said the flag let everyone know who was coming into Town; that they were in Patriot country. D. Feldman said there was no ill will and that the intent was to know that Foxborough is proud to be home to the 6-time Super Bowl Champions and is open to looking at other ideas to achieve this same goal; R. Rogers agreed there was no ill will flying this flag.

M. Elfman suggested the Town not fly the flag on the Common anymore and look into the banners on the light poles; C. Mitchell agreed and asked if flags could be flown from the light poles. L. Gibson said she did not see the Patriots flag as an advertisement but would not want to disrespect anyone by flying the flag.

Bob Murphy, a local veteran, came before the BOS to say that he saw nothing wrong with the Patriots flag flying beneath the American flag. Mr. Murphy said he wants to see the Patriots flag there.

M. Elfman said the Patriots flag would not be flown for now and suggested the Town continue to look into the banners as another option; the BOS concurred.

5. Commercial Parking Regulation Discussion - BOS to Discuss Proposed Revisions to Commercial Parking Regulations; Updates from Sub-Committee; Possible Vote to accept Amended Language

B. Keegan summarized the history of the commercial parking regulation discussion and the development of the subcommittee to draft revised language for the regulation. B. Keegan said the subcommittee agreed that the BOS should consider each license individually and should be able to condition the license to ensure safety is top priority at all times.

C. Mitchell asked who was part of the subcommittee and if with this revised language would require the owner of Boston Business Bays to adhere to these extra conditions; B. Keegan said the BOS can review it further but that location has a more delineated area for safe passage of pedestrians that is farther back from the road.

D. Feldman said he is disappointed there is no definition of a sidewalk and asked what happens if and when there is a snow storm; who is responsible to ensure that a clear and safe passage is available when there is snow. B. Keegan said the Zoning Enforcement Officers would monitor that and address accordingly. B. Keegan said the subcommittee looked at defining a sidewalk as an area of safe passage.

L. Gibson asked to confirm an application would not come before the BOS without comments and recommendations from departments; B. Keegan said yes. E. O'Leary expressed condolences for Dimitri who recently passed away and recalled past instances that called out the need for safe passageway for pedestrians at all times; arrive and leave safely from these lots.

Motion to Accept the proposed revised language as amended and established as Commercial Regulations Condition #13 made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

6. Application for New Commercial Parking License - Alicia Santos - Application for New Commercial Parking License - Lot #125 at 28-30 Pine Street

Alicia Santos, 28 Pine Street, came before the BOS with her application for a new commercial parking license. A. Santos said she has reapplied for this license and believes she has done her due diligence through this process. M. Elfman asked her what efforts she will make to satisfy the amended language as

discussed. A. Santos said she would place cones so that all foot traffic, not just from her lot, would be kept safely on the side of the road. M. Elfman asked A. Santos about snow removal; A. Santos said if the Town does not plow she does and will continue to do so. E. O'Leary asked about the traffic flow from 115 on to Pine Street; A. Santos said 99% of the traffic comes from the direction of Route 115. The BOS discussed suggesting to the Police Chief and Town Engineer that all traffic leaving this lot be required to take a left.

Motion to Approve Application for New Commercial Parking License for Lot #125 at 28-30 Pine Street to expire June 30, 2020 with the following conditions:

- 1. A Police Detail to be hired;**
- 2. Cones or barriers must be put in place to allow safe pedestrian passage from Lot to the Route 1 sidewalk; and**
- 3. All traffic leaving the parking lot to turn left only, pending approval by Public Safety and the Town Engineer made by E. O'Leary, motion made second by D. Feldman**

No further discussion

Final Resolution: Motion Carries 5-0-0

7. Application for Commercial Parking License - New Ownership - FRA Terminals, LLC - Application for Commercial Parking License, New Owner - Lot #208 at 208 North Street

Motion to Approve Application for Commercial Parking License for Lot #208 at 208 North Street to expire June 30, 2020 made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

8. Taxi/Livery Service Discussion - BOS to discuss current regulations for taxi/livery service and previous moratorium issuance of new licenses

B. Keegan said there was a question raised by L. Gibson about the legality of imposing a moratorium; B. Keegan said there is no regulation for Uber or Lyft companies and that there could be a moratorium placed on the number of taxis per 1,000 people. B. Keegan said the question to the BOS is if they see a need to limit the number of licenses. B. Keegan said there are not many requests for these licenses coming to his office and is more indicative of the change in technology and rideshare businesses.

E. O'Leary agreed with B. Keegan and said that the Police Department was inspecting taxis in the past, prior to 2011, and have gone away since the introduction of rideshare companies.

M. Elfman asked if a vote is required to lift a previous moratorium; B. Keegan said there was discussion of a past moratorium. D. Feldman said if there is not much need for these licenses then why change it. L. Gibson said if there is no one asking for them, why have a moratorium.

B. Keegan suggested the BOS take any future applications in for individual review; BOS concurred.

9. Selectmen's Update

M. Elfman said it was a great start to the Farmers Market last week; great event kicking off the season. M. Elfman said Founders Day was a great event and the weather was perfect; congratulations and thanks to the Founders Day Committee for their hard work and efforts putting it all together.

M. Elfman updated the BOS on the status of the Neponset Reservoir and MassDEP response to the letter submitted by the Town; the MassDEP is still working to provide a response. M. Elfman said he thinks this means they are taking what the Town submitted seriously.

M. Elfman said he wanted to take this time to thank the Town's management and volunteers who keep this Town running and do their jobs so well. M. Elfman said the Town is moving in a great direction. M. Elfman said the Town should be proud that two major projects, Town Hall and the Burrell School, have been able to happen without major overrides thanks to great financial planning. M. Elfman called out the great collaborative work that has led to the development of the new Regional Dispatch system. D. Feldman said Town's triple A bond rating speaks volumes and Foxborough is only one of four communities in the State with this rating. D. Feldman added that planning ahead and paying down the Burrell School project saves the taxes payers \$1.5 million in interest costs; money well spent and returns money to the taxpayers.

D. Feldman thanked the student members who shadowed him during Student Government Day and commended them for their intelligent questions and for their efforts to participate in the day.

C. Mitchell expressed gratitude for Marc Craig for his phenomenal efforts in Town and wanted to call out how amazing Senior Olympics was this year.

10. Town Manager's Update

B. Keegan said Lt. Rich Noonan returned from his training down at Quantico; commended him on this achievement and said another Lieutenant is lined up to complete the training next year.

B. Keegan commended the Founders Day Committee on their tremendous efforts to put together the big event and the weather was perfect.

B. Keegan said the Downtown Business Collaborative is working to provide an update to the BOS on efforts they have been making, including wayfinding and branding with signage.

B. Keegan said the Town reached an agreement with Schneider Electric to provide 43 new parking spaces for the Downtown area; close to finalizing that arrangement.

B. Keegan said the Police Chief selection process will be coming before the BOS soon; hoping announce the process this month, conduct process in July and make the announcement in August. B. Keegan said the plan as stated when Chief Baker was hired was to use an internal hiring process to fill this position.

B. Keegan told the BOS he spoke at an event on Saturday about regionalization at the Selectmen's training presented by MMA and moderated a panel about SEMRECC. B. Keegan said the SEMRECC plans are still on schedule to go live on July 1st of this year.

B. Keegan said Roger Hill will be before the BOS at an upcoming meeting to provide an update on the Hanover Project Mitigation.

B. Keegan said the fund transfers will be before the BOS at their next meeting, then be presented to the Advisory Committee prior to the end of the fiscal year.

B. Keegan said he has met with most of the BOS about this evaluation and thanked them for taking the time to sit down with him and for providing him with honest, constructive feedback.

11. Assistant Town Manager's Update

M. Johns said he is going to meet with the former Chairman to open the evaluations tomorrow and work on building the aggregate report for the BOS to review at their next meeting.

M. Johns said the Town hosted Student Government Day last week and said was a success again. M. Johns said the students that shadowed him were fantastic and incredibly smart.

M. Johns said he had an opportunity to talk to Angela Davis' children following the Volunteer Bench Dedication event this evening and they said they plan to follow in their family's footsteps to serve their community and help others.

M. Johns echoed the Town Manager's congratulations to Lt. Noonan for his recent graduation from the 10-week program in Quantico, VA.

M. Johns said he and the Town Manager attended a memorial service for the former Fire Chief, Hobart Boswell, at the Public Safety Building; an amazing service.

M. Johns said the HR office has received sixty-two (62) applicants for the Finance Director position and reviewing all as they come in; the job posting is still up.

M. Johns reminded everyone that Flag Day is June 14th and is also the Army's Birthday.

M. Elfman asked Amanda Smith for an updated on the new Town website. A. Smith said the Town switched over to the new website on June 5th and has been making tweaks here and there to make sure it is running as best as possible. A. Smith said the Town has encouraged everyone with feedback to submit it to the webmaster on the "Contact Us" page on the website; all comments are recorded and tracked for progress and implementation. A. Smith said the overall feedback is positive and that it was time for a change/upgrade. B. Keegan said there are still kinks to work out, like mobile-responsive design, but all suggestions submitted are recorded and addressed quickly.

12. Action Items

12.01 Approval of thirty-one (31) Commercial Parking License renewals to expire 6/30/2020

Motion to Approve the Renewal of thirty-one (31) Commercial Parking Licenses, to expire on 6/30/2020 made by E. O'Leary, motion made second by D. Feldman

Discussion: D. Feldman asked if the renewals on this list would be affected by the conversation to be had at 8:00 p.m. this evening.

Motion to withdraw previous motion to approve made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

BOS revisited this vote following the discussion and amendment of commercial parking regulations:

Motion to Approve the Renewal of thirty-one (31) Commercial Parking Licenses, to expire on 6/30/2020 made by E. O'Leary, motion made second by D. Feldman

Discussion: C. Mitchell asked if any of these renewals would require follow-up by the BOS given the newly amended regulations; B. Keegan said no.

Final Resolution: Motion Carries 5-0-0

12.02 Public Event Application - Patriot Place / NPP LLC - 2019 Finish at the 50 Road Race on July 3, 2019

Motion to Approve Public Event Application made by E. O'Leary, motion made second by D. Feldman

Discussion: CM recused himself from this vote as his employer is receiving a donation from Harvard Pilgrim

Final Resolution: Motion Carries 4-0-1 (C. Mitchell recused himself)

12.03 Recreation - Acceptance of Gift Donation of \$500.00 to the Foxborough Recreation Department from Sharon Credit Union for Booth Movie Night

Motion to Accept Gift Donation made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

12.04 Recreation - Acceptance of Gift Donation of \$150.00 to the Foxborough Recreation Department from the Massachusetts Marine Trades Educational Trust for fishing derby supplies

Motion to Accept Gift Donation made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

12.05 COA/HS - Acceptance of Gift Donation of \$120.00 from the Friends of Foxboro Seniors to the Council on Aging/Human Services for 1/2 of April Tai Chi classes

Motion to Accept Gift Donation made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

13. Adjourn

Motion to Adjourn at 8:36 p.m. made by E. O'Leary, motion made second by C. Mitchell

No further discussion

Final Resolution: Motion Carries 5-0-0