

**Tuesday, March 5, 2019
Board of Selectmen's Meeting Minutes
Foxborough Town Hall
Andrew Gala Meeting Room
7:00pm**

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, Assistant Town Manager
Amanda Smith, Community Information Specialist

Minutes generated by Amanda Smith

Chairman Mitchell called the meeting to order at 6:30 p.m. and read the agenda into the record. C. Mitchell opened the public session and stated the Board would enter into executive session to return to open session at or about 7:00 p.m.

C. Mitchell called the public session to order at 7:12pm and read the agenda into the record.

2. Citizen's Input

No citizens here for citizen's input.

3. Public Hearing - New England Revolution Home Games

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

Jess Enos, Kraft Sports and Entertainment, came before the Board and introduced herself. J. Enos said this season is the same format and schedule as the last three years, including security measures, seats used and not used, clear bag policies and other operations measures. J. Enos said the biggest change this year is the shorter season as dictated by MLS (Major League Soccer); to finish by Thanksgiving. J. Enos said the schedule will be more condensed and will include more Wednesday evening games. J. Enos said the ticket pricing is the same as in previous years and there are no international matches currently scheduled including one charitable game. C. Mitchell asked about expanded ticket sales for international matches; J. Enos said the anticipation of these games is to sell more tickets so KSE stays in touch with the Town in those cases to adjust resources as needed. George Bell, Stadium Advisory Committee, said the SAC met and voted unanimously to approve the application.

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 application made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

4. Re-Appoint Interim Finance Director/Town Accountant

C. Mitchell recalled the request at the previous meeting to discuss costs incurred as provided by B. Keegan. L. Gibson recalled the beginning of this interim appointment estimated at or about 12 weeks, the 12 week mark is right about now; L. Gibson asked how long the Town anticipates this to continue. B. Keegan said the Town is working toward a resolution and cannot discuss the details. L. Gibson expressed concerns about these reappointments and the Board not having much of a choice and asked about FMLA paid leave; C. Mitchell said the Finance Department has to stay operational. B. Keegan said he cannot get into the details and expressed the paid leave is not indefinite as reported. D. Feldman asked about revisiting this every 30 days; L. Gibson suggested keeping this on each agenda every two weeks. J. DeVellis said he preferred keeping this on the agenda every two weeks and would appreciate updates and continued dialogue.

Motion made to approve the Reappointment of Christine Dupras as Interim Finance Director until 3/19/19 by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

5. Appointment to Veteran Services Advisory Committee

Ally Rodriguez, Veteran Services Director, and Michael Kerr came before the Board. M Kerr said he is a Marine Corps Veteran who is from Foxborough and is currently a firefighter who has ideas to help Veterans in Town. The Board welcomed Mr. Kerr to the Committee and thanked him for his service.

Motion to Appoint Michael Kerr to the Veteran Services Advisory Committee made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

6. Housing Production Plan Grant/Paige Duncan

Paige Duncan, Planning Director, came before the Board to request they accept grant funding by EOEEA and MAPC, to be matched by the Town up to \$10,000. P. Duncan said she is seeking interaction from the residents for housing plans in Town and really look at the needs of the residents. P. Duncan said the project will kick off this month with MAPC as consultant and will be a year-long project. J. DeVellis how does housing in Foxborough compare to surrounding towns as it pertains to supply and costs; P. Duncan said Foxborough is similar to other towns except for the strong sense of community and attachment to the Town. J. DeVellis asked if there are stipulations to ensure Foxborough residents take priority; P. Duncan said the project is not at that stage yet but can look into that option. B. Keegan said there needs to be more research into the housing supply in Town and identify the problems and may need to adjust how the Town looks at housing and further echoed the desire for resident support in this process. D. Feldman asked if P. Duncan was going to look at the zoning requirements; P. Duncan confirmed.

Motion to Accept Housing Production Plan Grant made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

7. Fire Station/Funeral Home RFP

Paige Duncan and Lorraine Brue of the EDC came before the Board. L. Gibson recused herself from the discussion and moved to the audience. L. Brue said they are very excited to see the presentations of the bids to the RFP. L. Brue thanked the EDC for their efforts through this process and ex-officio members who provided

guidance to the EDC through the process. L. Brue summarized the RFP process for the Board and read the three bids for the Board. L. Brue said the EDC members did evaluations individually and ranked their proposals using criteria from five different categories. L. Brue read aloud the EDC's vision as written in the RFP into the record.

C. Mitchell asked if the Town Manager would like to add anything to this presentation; B. Keegan said he would like to provide comments following the presentations. B. Keegan said there was no set order for presentations tonight but one requested to go third. C. Mitchell said the Board got the bid materials Friday afternoon and does not typically vote for during the same meeting the presentations are made.

Presenter #1: MPZ Development LLC & Traggorth Companies LLC

Matt Zahler of MPZ Development LLC and Dave Traggorth of Traggorth Companies introduced themselves to the Board. M. Zahler said they are very excited for this opportunity and agree this is a great project for the Town. D. Traggorth summarized the team's experience in other communities with similar mixed-use projects. M. Zahler presented conceptual plans to the Board, as well as a letter from Brian O'Donnell, restaurateur, who has expressed interest in the space/square footage they proposed. M. Zahler explained each conceptual plan to the Board including 22 units (townhouses over flats on Rockhill and Market Street). M. Zahler said the architecture will match existing homes and the proposed new building on School Street with retail on the first floor and residential above. M. Zahler said the first floor single bedroom units were specifically chosen for those potentially looking to downsize and still take advantage of the nearby amenities. M. Zahler said they believe the building they propose on School Street would be more functional than reusing the existing firehouse and are proposing 1:1 parking per resident. M. Zahler said 40% units be deed-restricted at median income (approx. \$50k per year) to attract families and seniors who may be on a fixed income; 70% preference if allowed to allow for Foxborough residents. D. Traggorth said they would be asking for \$900k from the Town to support affordable housing proposed. M. Elfman asked about the \$900k; M. Zahler said it would be funded by the Town. C. Mitchell asked what would happen if the Town did not provide the funding; D. Traggorth said the affordability rate would likely need to be adjusted.

D. Feldman asked about the units sitting on Town-owned property not part of sale on conceptual plan and asked if the team looked at work-force housing grant. M. Zahler said they sought that grant and looked into others to project out potential funding for the proposal and will seek other options available. C. Mitchell asked if using state funding negates requirements under 30B, P. Duncan said no. B. Keegan asked about their language regarding environmental conditions of the site and the Town partnering with them should site conditions exceed a certain limit. D. Traggorth said they did not complete a Phase 1 Site Assessment as part of the proposal but have experience working with contaminated sites. B. Keegan asked about the request for the \$900k from the Town; D. Traggorth said they are open to the conversation with the Town should it come to that point. J. DeVellis asked about the parking plan as presented and if they looked at zoning and where others in the area would park; M. Zahler said they have reviewed the zoning regulations and anticipated parking spaces around the Common to be used for the commercial properties; D. Traggorth said they have been part of creative parking solutions in other communities and are open to it here. C. Mitchell asked what the smallest community is they have worked in; D. Traggorth said Reading, MA would be closest to community size and the number of units would be similar to their project in Haverhill.

Presenter #2: Gibson Corner Realty Trust

Jimmy Brown of Kitchen Partners LLC., James Gibson of Gibson Realty, Rob Lucente of Kitchen Partners, LLC., Frank Gallagher of Gibson Realty, and Jessica James of Gibson Corner Realty Trust introduced themselves to the Board. J. James thanked everyone for having them here tonight. J. James said all on the team are residents of Foxborough and are invested as community members as well. 100% occupancy of all properties of mixed use. J. Brown said the team wanted to present the "why" behind their proposal. J. Brown said the goal is Foxborough and keeping the community in mind to meet the needs and wants. J. Brown summarized their

proposal highlights that they believe differentiate them from the rest of the bids; embedded in the Community and raise their families here. J. James said they wanted to focus on low impact that results in an accelerated timeline. J. Brown emphasized using feedback for the community restaurant; looking to add not replicate in the restaurant scene. Frank Gallagher explained more about their site plan as proposed; using the existing building there and remodels from the inside and how that translates to low impact. J. James added that lower density results in less draw on resources and less cars in the downtown area where they feel lower density is a better fit for this space. J. Brown said the community restaurant design includes communal tables with a large fireplace to fit their vision of a rustic and inviting community. R. Lucente said this concept is unique to Town and have tried to thoughtfully add to the charm and feel of the Town the currently exists.

J. DeVellis asked how much they looked into the 21e and existing structure and utilities to date; J. Gibson said they would need to do a Phase 1 and Phase 2; J. James said investors have looked into past 21es and do not seem overly concerned. D. Feldman asked about Foxborough Center Overlay District zoning and if access to parking is an allowable use; P. Duncan said there cannot be a standalone parking lot. K. Weinfeld said the design of the lot is to accompany the building. J. James said they looked at this as one site as a whole, not as individual lots. J. Gibson said the lot is a sacrifice to them as there is no income from the lot.

B. Keegan asked about their proposal as it pertains to low density and why proposing to build 5 residential units for the entire site. J. James said they looked at a number of options and started with 8 units but came down to 5 because they feel other areas near the downtown and Common that will suit larger density of residential units. B. Keegan asked about building above the parking as they proposed; J. Gibson said there is an insurance liability with that design and would require strict restrictions on the lot and use of the lot.

Presenter #3: Douglas A. King Builders, Inc.

Attorney Frank Spillane, William Buckley of Bay Colony Group, Douglas Annino of Annino Incorporated, Douglas King of Douglas A. King Builders, Inc., and Frank Altieri and Jim McSherry of Shovel Town Brewery came before the Board and introduced themselves. Attorney Spillane also named those on the team who were not in attendance; Michael Toomey of Boston Environmental Corporation. Attorney Spillane emphasized the amount of environmental unknowns at the site taken into consideration for this project. Attorney Spillane recalled their purchase price was highest of all bids presented and received the highest score from the EDC while meeting all requirements of the RFP. Attorney Spillane summarized the proposed design and called out current zoning and how this design is allowed under the current zoning; maintaining the current fire station structure except for two last garages to be demoed. Attorney Spillane said the restaurant/brewery will be on the first floor, to be known as Station 1 by Shovel Town Brewery. Attorney Spillane said there would be two 1-bedroom apartments and two studio apartments on the second floor and the former funeral home building will be demolished to be a new apartment complex with 15 1-bedroom apartments and 15 underground parking spaces for the apartments. Attorney Spillane added there will be a parking lot between the two buildings with 11 spaces for both residential and restaurant patron use. J. McSherry and F. Altieri summarized the history of Shovel Town Brewery and their vision for the project site as proposed in their bid. F. Altieri highlighted the anticipated number of jobs added to the Town through Shovel Town Brewery. F. Altieri clarified that this space is not intended to be a production brewery and their plan to reuse as much of their produced waste as possible to reduce impact to wastewater treatment plant.

D. King thanked the Board and Town for letting them bid and expressed excitement about this project. D. King summarized projects in Town his company has completed and in nearby communities and their model as a hands-on company with emphasis on teamwork and giving back to the community with a desire to always find ways to improve. C. Mitchell asked about the number of cars in lot between two buildings; D. Annino said eleven spots. C. Mitchell asked about licenses needed for a brewery; B. Keegan said it would depend on the operation. Attorney Spillane added that the goal would be to get an all alcohol license; F. Altieri added that they would not be brewing on site so the all alcohol license would permit them to pour as intended. B. Keegan asked how flexible they are to the outside look of the proposed design to potentially fit the colonial feel of the

downtown; Attorney Spillane said they are open to feedback and will go through design review during the permitting process. B. Keegan asked about the parking spaces between the buildings and why not connect the buildings there and move the lot; D. Annino said the plan to reinforce the corner and didn't feel a parking lot would be a good fit on the corner.

C. Mitchell thanked all three developers for their efforts and for presenting this evening. C. Mitchell asked if there were questions in the audience. D. King said the design of each building at the state hospital project in Town went through individual design review. Taylor Ford said the Historical Commission had previously issued a 6-month demolition delay that has now expired but are still concerned with the funeral home and asked if there is a way to use the demolition cost to move the building instead to another lot. D. King said they would look into that option if chosen. J. James said they would be open to looking into that as an option as well. Jason Evans asked about future water restrictions if a brewery were to be located on site. F. Altieri said they are not looking to produce beer at the location so do not foresee water usage causing issues for neighbors.

J. DeVellis asked P. Duncan if there is a matrix they can put together for parking as it pertains to details of each proposal and said he is thinking about expected drivers for both overnight resident parking and retail/commercial users. K. Weinfeld said they can produce a matrix for the Board. Attorney Spillane added that parking for residential has to be on-site and the parking for the restaurant is based on usable square footage.

8. POSTPONED TO 3/19/19 BOS MEETING - Child Sexual Abuse Awareness Committee Discussion/Possible Vote of New Policy

Postponed to 3/19/19 BOS meeting as posted on amended agenda.

9. Annual Town Meeting Warrant

B. Keegan said there was a request to re-open the ATM Warrant for the Burrell School project funding after discovering an error. B. Keegan asked the Board to consider re-opening the Warrant to amend Article 7 of the October 2018 STM to fund the project. Bill Yukna came before the Board to explain the request to re-open the annual town meeting warrant. B. Yukna said the project funding budget agreement with the State was approved back in August. B. Yukna said the explanation put together by AdCom for the October 2018 STM called out the budget number exactly but did not account for moving the \$64,000.

Motion to Re-Open the Annual Town Meeting Warrant made by L. Gibson, motion made second by M. Elfman

Discussion: J. DeVellis asked if anyone else asked for a warrant article to be added and was told no; B. Keegan said no one else had asked.

Final Resolution: Motion Carries 5-0-0

Motion to Amend Warrant Article for the Mabelle M. Burrell School Project made by L. Gibson, motion made second by M. Elfman

Discussion: D. Feldman asked to clarify this is not new money; B. Yukna said it is not new money because it is money already accounted for just to be moved to match the total original estimated budget cost with the MSBA.

Final Resolution: Motion Carries 5-0-0

Motion to Close the Annual Town Meeting Warrant made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

B. Keegan said Town Counsel has provided comments and edits to some of the draft wording. B. Keegan said the Child Sexual Abuse Awareness Committee warrant article is still not finalized and it appears there is no interest pushing that forward. C. Mitchell asked to confirm that with the CSAAC and can be discussed further at a future meeting. L. Gibson said this is going to be a longer Town Meeting again and would like for everyone to stay for the entire meeting.

10. FY20 Budget Discussion

B. Keegan said the Board indicated the desire for a general budget discussion and is open to that. B. Keegan said he invited the Fire Chief and Police Chief to the meeting tonight to answer any questions the Board may have. C. Mitchell asked if the chiefs have gone before the AdCom yet; both confirmed. Chief Baker said the AdCom asked about the Police Chief 8% raise as presented and has been clarified by the Finance Department to show that is not the case; negotiating a contract with the Police Union and asked for the Police Chief raise to be consistent with that. Chief Baker also explained that he and AdCom discussed the three additional officers as presented in the budget. B. Keegan further explained the salary increase calculations that resulted in confusion. L. Gibson said she now understands the numbers behind the EMS Director position as presented and proposed by Chief Kelleher.

B. Keegan said he welcomes discussions and dialogue about budget theory and budget planning. C. Mitchell said the time to have these discussions is well in advance of budget review meetings with AdCom. D. Feldman said part of that discussion requires an understanding of what goes into a budget and what it takes to put together a budget. D. Feldman called out the Town's position with respect to revenue and receipts and level of State Aid. D. Feldman said the high Charter School assessment accounts for a large part of the budget and to understand expenses is to understand revenue sources. L. Gibson said a reduction in expenses like benefits and pensions would take years of planning and research to implement and propose change. B. Keegan suggested to begin by explaining where the numbers come from with respect to benefits and pensions. B. Keegan said the Town has done a lot with plan design and put more on employees to contribute and said the Town of Foxborough is one of the communities that contributes a lower amount to a pensioned employees' insurance coverage (50%). L. Gibson said this is something that should always be evaluated, looking at years ahead; B. Keegan agreed. M. Johns added that the MIIA health benefit programs are beneficial to employees and the Town is cost reduction benefits.

D. Feldman added the need to have financial flexibility for the bigger picture in Town. D. Feldman said people want to move to the Town for the services provided and reiterated that the Town does not get as much from State Aid as neighboring communities and encourage all to keep an open mind and understand what "level services" really means. M. Johns summarized the work regularly done by the Town to review practices and processes through the Loss Control Program and identify areas to limit liability and costs.

11. Selectmen's Update

C. Mitchell welcomed the new firefighters to the department that were pinned last week. C. Mitchell offered congratulations to the Foxborough Police Department for being selected to be part of a Police Executive Research Forum and DOJ's Office on Violence Against Women project aimed at identifying and preventing gender bias in the law enforcement's response to sexual assault and domestic violence.

12. Town Manager's Update

B. Keegan reminded the public that the Capital Improvement Planning Committee meeting is scheduled for Saturday, March 9th at 8:00 a.m. and will be televised. B. Keegan told the Board he will be away on vacation beginning Saturday evening through the following week.

13. Assistant Town Manager's Update

M. Johns said the Town is in the second round of interviews for Assistant Treasurer/Collector and hope to complete the process in the next couple of weeks.

14. Action Items

14.01 Jake N JOES - Request Extension of Occupancy Hours on 4/13/19, 5/11/19, 6/8/19, and 7/6/19 to 2:00 a.m. for UFC fights

Motion to Approve Jake N Joes Request for Extension of Occupancy Hours on 4/13/19, 5/11/19, 6/8/19, and 7/6/19 to 2:00 a.m. for UFC fights made by L. Gibson, motion made second by M. Elfman

Discussion: M. Elfman asked B. Keegan to confirm all alcohol regulations apply pertaining to hours on license; B. Keegan confirmed.

Final Resolution: Motion Carries 5-0-0

14.02 Public Event Application - Bailey's Team for Autism 8th Annual Bailey's Run for Autism event on Sunday, April 7, 2019 with the run starting at 10:00 a.m.

Motion to Approve Public Event Application for the 8th Annual Bailey's Run for Autism event on Sunday, April 7, 2019 with the run starting at 10:00 a.m. made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

14.03 Public Event Application - Foxborough's Youth Baseball & Softball Association's Opening Day parade on Saturday, April 13, 2019 from 9:30 a.m. to 10:30 a.m.

Motion to Approve the Public Event Application for Foxborough's Youth Baseball & Softball Association's Opening Day parade on Saturday, April 13, 2019 from 9:30 a.m. to 10:30 a.m. made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

14.04 Public Event Application - Foxborough Cares 5k Road Race on Saturday, June 1, 2019 with the race starting at 10:00 a.m.

Motion to Approve the Public Event Application for the Foxborough Cares 5k Road Race on Saturday, June 1, 2019 with the race starting at 10:00 a.m. made by L. Gibson, motion made second by M. Elfman

Discussion: J. DeVellis recused himself from the vote as he is an applicant for this event.

Final Resolution: Motion Carries 4-0-1 (J. DeVellis recused)

14.05 Reappointment of Leila McNeff to the Foxborough Cultural Council for a 3-year term, expiring 3/8/2022

Motion to Reappoint Leila McNeff to the Foxborough Cultural Council for a 3-year term, expiring 3/8/2022 made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

14.06 Boyden Library - Acceptance of a Gift Donation of \$700.00 to the Boyden Library from the Friends of Boyden Library for Museum of Science Pass

Motion to Accept Gift Donation of \$700.00 to the Boyden Library from the Friends of Boyden Library for Museum of Science Pass made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

14.07 Police Department - Acceptance of Grant in the amount of \$1,500.00 from the Walmart Foundation for the International Law Enforcement Exchange Program

Motion to Accept Grant in the amount of \$1,500.00 from the Walmart Foundation to the Foxborough Police Department for the International Law Enforcement Exchange Program made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

14.08 COA/HS - Acceptance of Gift Donation of \$105.00 to the Council on Aging/Human Services from the Lightbodies, Mary McEnaney, and the Rys' for programs at the Senior Center

Motion to Accept Gift Donation of \$105.00 to the Council on Aging/Human Services from the Lightbodies, Mary McEnaney, and the Rys' for programs at the Senior Center made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

15. Adjourn

Motion to Adjourn at 9:45pm made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0