

Tuesday, August 6, 2019
Board of Selectmen's Meeting Minutes
Foxborough Town Hall
Andrew Gala Meeting Room
6:45pm

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

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

Others absent: Michael Johns, Assistant Town Manager

Chairman M. Elfman opened the meeting at 6:45 p.m. and announced that the BOS would be entering Executive Session.

1. **Motion to enter into Executive Session pursuant to Massachusetts General Laws chapter 30A, section 21(a), Purpose 7: To comply with, or act under the authority of, any general or special law (Open Meeting Law, G.L. c. 30A, s. 22); specifically, to perform a review of executive session minutes dated February 6, 2019, April 2, 2019 and April 9, 2019 pursuant to G.L. c. 30A s. 22(g) (1) and (2) to determine whether all or portions thereof may be publicly released. The Committee will reconvene in Open Session at approximately 7:00 P.M. made by E. O'Leary, motion made second by D. Feldman**
No further discussion
Final Resolution: Motion Carries 5-0-0
Roll Call: D. Feldman – Yes; L. Gibson – Yes; C. Mitchell – Yes; E. O'Leary – Yes; M. Elfman - Yes

M. Elfman reopened the open session at 7:00 p.m. and read the agenda into the record.

2. Citizen's Input

No citizens came before the BOS.

3. Public Hearing - Normandy Farms Campground, LLC d/b/a Normandy Farms Campground - New Wine and Malt Package Store License Application - Normandy Farms Campground, LLC d/b/a Normandy Farms Campground Application for New Wine and Malt Package Store License

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

C. Mitchell recused himself from discussion and left the table. Christine and Marsha came before the BOS to apply for a beer and wine license. Original interest in 2016 when heard a license would become available; would like to have this a license as a convenience for their guests who stay on property. Marsha said she and her sister are members of the 8th generation of the Daniels family taking care of the property.

D. Feldman asked to clarify this is to sell not serve beer and wine; Christine and Marsha confirmed. L. Gibson asked if neighbors could shop in the store; Christine and Marsha confirmed and said it is open year-round. E. O'Leary said he has no concerns and has faith in the family to run this store as well as they do the rest of the property. M. Elfman asked if staff are trained for alcohol sales; Christine said their point-of-sale will require confirmation of date of birth.

D. Feldman asked about anticipated supply in store; Christine said they intend to have a basic selection of beer and wine.

Citizens in the audience who are neighbors of the property expressed support for this application. L. Gibson expressed great confidence that they will do a great job.

Motion to Close the Public Hearing made by E. O’Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 4-0-1

Motion to Approve Normandy Farms Campground, LLC d/b/a Normandy Farms Campground Application for New Wine and Malt Package Store License made by E. O’Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 4-0-1

4. Town Auditor - Presentation of Recent Town Audit and Report

B. Keegan introduced Mr. Brown to the BOS. Mr. Brown said his firm was hired to conduct an audit of the Town from FY18. Mr. Brown explained that his firm prepared two reports from their findings at the completion of their audits. Mr. Brown said the audits went well, even with the turnover in the Town during the time the audit was conducted. Mr. Brown said there was a national change in accounting standards during FY18 and said entire liability was placed on the Town financial statements. Mr. Brown commended financial management approach by the Town. Mr. Brown encouraged the BOS to look at the budget statements and review how the Town did on its annual operating budget. Mr. Brown called out the addition of approx. \$2.3 million to free cash.

D. Feldman asked if Mr. Brown has seen irregular increases in budgetary line items or expenses over the last few years that would cause concern. Mr. Brown said they always review budget line items and verify the funds based on what is voted on. D. Feldman asked if in the last 5 years if the Town has consistently exceeded revenue verse expenses; Mr. Brown said that is a fair statement. D. Feldman asked if Mr. Brown reviewed the Town’s Financial Policies and if they should be updated or adjusted; Mr. Brown said they don’t audit to the policies and can look into specific areas and report back if requested.

D. Feldman asked Mr. Brown how many financial audits his firm does per year and how Foxborough compares to the other communities he works with. Mr. Brown said his firm does about 22 audits per year and would put Foxborough in the top 20th percentile.

C. Mitchell asked when the audit begins and how long it takes; Mr. Brown said his firm comes in when the Town is ready and would normally finish prior to the Federal Single Audit Deadline of March 31st. Mr. Brown said his firm did not meet the deadline this year given the turnover in personnel in Town.

M. Elfman said the BOS invited the Advisory Committee to this meeting as well if they have questions. Thom Freeman asked if there are any practices that the Town could be doing to improve processes or any that are currently done that could be changed; Mr. Brown said all of the statements prepared are to National accounting principles.

Bernard Dumont asked if this report is indicative of two years ago; Mr. Brown said that it is for FY18 and the opinion date is May 2019. B. Dumont asked about the status of funding pensions for Town employees. Mr. Brown said Norfolk County Retirement uses their actuary table and updates it each time they run a report; he could not give a better number than what they generate. B. Dumont said the concern is when residents see the

expenses outweigh revenue and asked if there is a chance where the Town can catch up. Mr. Brown said new employees pay a high percentage going into the Norfolk County Retirement system, more than paying into Social Security.

Larry Ooi asked when Mr. Brown anticipates to finish the FY19 audit; Mr. Brown said their goal is to meet the Federal Deadline of March 31st and plan to begin earlier; adjust their schedule as needed. L. Ooi asked if the numbers for FY19 are in earlier that would be better; Mr. Brown said yes but that most numbers are done within three to four months of closeout.

B. Keegan said there was no management letter after the audit was completed for FY18. Mr. Brown said his firm will write up a management letter when there is a serious issue and Mr. Brown said his firm did not write a management letter after completion of the FY18 audit because there was no need.

5. Public Hearing - New England Patriots LLC 2019 Season Application - Home Games (Regular and Preseason) and Potential Home Playoff Games - New England Patriots LLC 2019 Season Application - Home Games (Regular and Preseason) and Potential Home Playoff Games

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

Jess Enos, Kraft Sports and Entertainment, and Frank Barresi, Stadium Advisory Committee, came before the BOS to present the application for the New England Patriots. F. Barresi announced that he has recently resigned from the SAC and has come to this meeting tonight to express gratitude to the rest of the SAC for years of working hard together and thanked them profusely. J. Enos said Mr. Barresi was a charter member of the SAC and has been serving ever since; she thanked him for years of service.

J. Enos said there are three changes to the application this year:

- Expansion of delayed exit program;
- U-Bid Gate renovation has completed and entry will be more streamlined, safer, faster; and
- Redesigning eight concession and merchandise stands on the 100-level, including grab-and-go style stands

No comments from the public.

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 New England Patriots LLC for the 2019 New Patriots Season Application for 10 home games, preseason and regular season, and potential home playoff games made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

M. Elfman read aloud a citation to Mr. Barresi from the BOS.

6. Public Hearing - Foxbobcon d/b/a Conrad's Restaurant - Foxbobcon d/b/a Conrad's Restaurant at 121 Main Street Applications for an On Premises All Alcohol Restaurant License, Common Victualler License and 7-Day Entertainment License

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

Robert Conrad, owner of Conrad's, came before the BOS. R. Conrad introduced himself and summarized his experience as a restaurant owner and listed his current business locations. R. Conrad said it is casual-style, family dining serving comfort food. R. Conrad said he does events at his other locations and plan to do so at this location. R. Conrad anticipates remodeling at this location instead of full reconstruction.

E. O'Leary asked if there have been alcohol violations at any of his other locations in the last 2 years; R. Conrad said he has not had any violations at any location in the last 15 years. D. Feldman asked if R. Conrad has reached out to the Board of Health of Building Commissioner for permits/licenses. R. Conrad said he was beginning with the BOS and would go meet with each following approval from the BOS. L. Gibson said many people are looking forward to this location being open again. C. Mitchell asked if the plan to open is still October; R. Conrad said that is still the plan and would also depend on the stamp of approval from the ABCC. C. Mitchell asked if this was the Waxy's License or a different one; B. Keegan said it is the Waxy's License.

Seth Ferguson came before the BOS to say that he worked for R. Conrad in the past and said his son now works at the Walpole location. S. Ferguson said that he is in favor of this business because this restaurant is very family-friendly and is always a great value with a nice environment and good food every time.

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 Foxbobcon d/b/a Conrad's Restaurant Applications for an On Premises All Alcohol Restaurant License, Common Victualler License and 7-Day Entertainment License made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

7. Continued Public Hearing from 7/23/19 - Municipal Conversion Permit - Douglas A. King Builders Inc. - Application for Municipal Conversion Permit for 40 School Street/21 Market Street (Former Fire Station/Funeral Home)

M. Elfman and L. Gibson recused themselves from the discussion and left the table. E. O'Leary is acting as Chairman for this part of the meeting.

E. O'Leary welcomed everyone for attending the meeting and said this hearing is open to the public as well for discussion as it pertains to the municipal conversion permit application before the BOS. E. O'Leary read the public hearing notice from the original posted date into the record and stated the original hearing date was continued to this evening.

Douglas A. King and William Buckley came before the BOS to present their application for the municipal conversion permit. W. Buckley, of Bay Colony Group, presented the updated application on behalf of his client and explained the proposed use for the property to include 19 residential units and the Fire Station portion would include a 4600 SF brew pub restaurant on the first floor.

W. Buckley said a modified plan was submitted to the BOS last week to account for the changes made to the original plans after attending three Planning Board meetings and meeting with residents. W. Buckley said the decision was made to not use brick as a facade all around the building into the R-15 zone and change it to brick on the 1st floor and plank for the rest of the floors.

W. Buckley said he has meet with the Town Engineer about traffic and did not yet do a traffic study. W. Buckley said the traffic study to be done by the Town will include this project as a proposed change to current traffic and will be taken into account when gathering data.

W. Buckley said they have reviewed studies done about parking in the Downtown area and understand the perception that there is not enough for this project. W. Buckley said they met with the Planning Board last week and are in discussions for this piece of property and were asked to consider tearing down the building on Market Street and construct a public parking lot as a mitigation effort for this project. W. Buckley said this design was the result of great research and study of the area and studies completed by the Town. W. Buckley said he understands that the Downtown area needs foot traffic; needs residents.

D. Feldman said the Town's MCP bylaw calls for traffic studies and is concerned with the timing of that study and when the results will be available. D. Feldman said if the BOS approves the MCP permit and the results come back from the Town study that don't support the plans, it would be a problem. D. Feldman encouraged the applicant to meet again with the Town Engineer about this timeline.

D. Feldman said people have reached out to him regarding parking and it is slowly being addressed and this plan includes some options to increase parking but said this will not solve all of the parking and traffic issues. D. Feldman said for him it was more about the restaurant than the residential as it drives the business. D. Feldman said the Town needs to take a look at local parking enforcement.

C. Mitchell asked about the height difference between Judy's and this proposed development; W. Buckley said it would be approx. seven feet. K. Weinfeld said the Planning Board has had lengthy meetings with the applicant, abutters and the Design Review Board and made it clear that those meetings were working sessions, not public hearings.

Linda Shea came before the BOS with her letter submitted to the BOS prior to this meeting. L. Shea read her letter aloud into the record.

Joe Foley came before the BOS as an abutter to the Rockhill Cemetery to express concern over the speed of traffic down Union Street and the potential for an increase after this development is completed. J. Foley said he does not believe the design of the project fits into the residential neighborhood as presented. J. Foley said the extra parking spaces proposed will not account for the restaurant and residents. J. Foley said the studio apartments do not fit into the neighborhood and does not think a brew pub across from a local theater that is frequented by families and small children. J. Foley said his experience as a realtor has shown him that when residents complain, projects halt or change. J. Foley said he also doesn't understand why M. Elfman cannot take part in this vote as he lives in the area and knows it better than most. E. O'Leary thanked J. Foley for his input.

Allison Bancroft came before the BOS requesting the BOS deny the MCP. A. Bancroft said the applicant has not met the requirements of the by-law by not submitting a traffic study within their application. A. Bancroft said a permit should not be issued until this requirement is complete. A. Bancroft said the applicant will not consider the density of the project and respectfully request the BOS deny the application. A. Bancroft expressed concerns of existing traffic problems in the area how much traffic will be added by this development. A. Bancroft said she does not believe that any permits be issued for this project until all of the final details of the project are identified. A. Bancroft said if the BOS is to approve the MCP, she encouraged the BOS to include strict conditions.

L. Gibson asked if the R-15 zoning allows for a parking lot; Paige Duncan, Planning Director, said no. L. Gibson asked if the land swap piece could be developed as a parking lot; P. Duncan said that property is in the FCOD and would allow for a parking lot.

W. Buckley said they have heard these concerns today and this is just one step in the process. W. Buckley said they are still required to go through all of the departments for comments and they must be addressed prior to any permits or licenses are issued.

D. Feldman asked if the applicant would be willing to do a traffic study in advance of the MCP and survey of the Common. W. Buckley asked for specifics on the traffic study, seeking guidance. D. Feldman said understanding the direction of flow in and out of this project. D. Feldman said the Town needs to address parking enforcement in Town and need to address the condition of Market Street and the sidewalks. D. Feldman said the Town needs to look at limiting access though one-way streets; regardless of this project this work needs to be done. D. Feldman said the traffic study should be completed prior to the issuance of the MCP. W. Buckley said doing an analysis of existing conditions would not be difficult and can be done but the potential variables to include in that area make it more difficult. D. Feldman said doing the traffic study now will give counts in the area and these counts will be used in the Town survey of the Common later this year. W. Buckley asked if he could approach the Town's traffic consultant, through the Town Engineer, to do this. D. Feldman said if they can issue a preliminary study to accompany this permit that would be acceptable. B. Keegan said Market Street was put back together in a preliminary basis and did not finalize construction given the plans for construction in the area, including this. B. Keegan said Market Street reconstruction is slated for next year per the DPW Director.

B. Keegan said all four original proposals included a restaurant component and the differences are the number of residential units. B. Keegan said the impact is really the number of residential units, not the restaurant. B. Keegan said the parking in the Downtown area is greater than many realize, including empty lots from businesses that close at the end of the day. L. Shea said the bank parking lots in the area are private lots and people should not be parking there; B. Keegan said most businesses would participate in collaborative parking as he has seen in his years of experience. B. Keegan said it is likely not yet seen here in Town because it has not yet been proposed and could be an option for the future. P. Duncan said the Town has heard the concerns regarding parking and traffic in the Downtown and plans to attend an upcoming BOS meeting to present Wayfinding and Branding results and parking updates.

J. Foley asked about the petition signed presented to the BOS at a previous meeting and how many signatures would it take to reject this project. D. Feldman said it would take every resident to turn this project down.

A. Bancroft said the original RFP asked for proposals to adhere to the Master Plan and the Downtown Master Plan but that this proposal adheres to the EDC Plan. A. Bancroft said she is concerned for future development in the neighborhood and the potential precedent for allowing a development of this size in this area. D. Feldman said all developers need to adhere to the same processes. A. Bancroft said the Planning Board is not considering the density and that Mr. King said he doesn't need this project and will walk away. K. Weinfeld said he takes umbrage with the comments that the Planning Board is not taking density into consideration since the hearings have not yet begun. K. Weinfeld said the Planning Board told Mr. King to walk unless he is willing to follow the process, work with the neighborhood and adjust the design as needed given local regulations.

E. O'Leary said the BOS will wait to make a decision at the next meeting.

Motion to continue the public hearing to the August 20, 2019 meeting at 7:10 p.m. made by E. O'Leary, motion made second by D. Feldman

NO further discussion

Final Resolution: Motion Carries 3-0-2

8. Selectmen's Update

M. Elfman expressed continued congratulations to Lt. Austin on his recent retirement last week and was happy to attend a small send off for him last Wednesday.

M. Elfman said he toured the SEMRECC set up at the Public Safety Building and was able to speak with some of the dispatchers there. M. Elfman said the technology is impressive and noted again that a huge benefit of

regional dispatch is that cell phone calls to 911 in the area go directly to them and is not routed through the state first as in the past.

M. Elfman said he was able to see the new fire truck at the Fire Station and is thankful for the work the Fire Department has done and continues to do. M. Elfman said the truck is impressive and puts the Town in a great position for the future; thanked Chief Kelleher for his hard work to get the grant.

M. Elfman said he met Deputy Chief Kenvin and is excited about his ideas for the Town and said the Town is lucky to have him. M. Elfman said he attended the unveiling of the Veterans Parking Spot at Town Hall and said the design and message to the community is outstanding. C. Mitchell added that tomorrow is Purple Heart Day and that the flags are up around Town.

9. Town Manager's Update

B. Keegan said he received word today from Mike Webber at Foxboro Cable Access that the new FCC rule from last week could reduce funding for local cable services. B. Keegan said the good news about Foxboro is that FCATV owns the building they operate within and recently paid off the mortgage. B. Keegan also said FCATV has managed their finances over the years to put them in a safer position should funding be reduced. B. Keegan said local cable television stations are an asset to communities for getting the word out when print media may not be available.

B. Keegan said the Governor signed the FY20 budget this morning and identified additional State Aid to Foxborough.

B. Keegan summarized recent road improvements in Town (including Cocasset rail crossing).

B. Keegan spoke about the new fire truck and the bid to go out soon for the renovation at the High Rock location for SEMRECC. B. Keegan said there increased number of calls at SEMRECC; more than anticipated, since going live on July 1, 2019.

B. Keegan also spoke about Tom Kenvin as the EMS Director and his work with various departments around Town.

B. Keegan said, as announced in the paper, that he is a finalist for the Town Manager position in Dedham; this is a process.

10. Assistant Town Manager's Update

Assistant Town Manager was not in attendance at this meeting.

11. Action Items

11.01 Guardian Self-Storage - One-Day Entertainment License Application for Live Music/Band Performance on September 8, 2019 from 4:30 p.m. to 7:00 p.m. at Guardian Self-Storage, located at 106 Washington Street

Michael Levinson, Attorney for Guardian Self-Storage, came before the BOS on behalf of his client to provide explanation for this application. Mr. Levinson said he and other local musicians are interested in playing at the property a couple hours before the Patriots Game scheduled for that day.

Motion to Approve One-Day Entertainment License Application for Live Music/Band Performance on September 8, 2019 from 4:30 p.m. to 7:00 p.m. at Guardian Self-Storage, located at 106 Washington Street made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

11.02 Fred Smerlas / All Pro Tailgates d/b/a First & Goal - Approval of (8) 1-day All Alcohol Licenses for 9/8/19, 9/22/19, 10/10/19, 10/27/19, 11/24/19, 12/8/19, 12/22/19 and 12/29/19 from 10:00 a.m. to 10:30 p.m.

Motion to Approve Fred Smerlas / All Pro Tailgates d/b/a First & Goal (8) 1-day All Alcohol Licenses for 9/8/19, 9/22/19, 10/10/19, 10/27/19, 11/24/19, 12/8/19, 12/22/19 and 12/29/19 from 10:00 a.m. to 10:30 p.m. made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

11.03 Officer Scott Dion - Tuition Reimbursement in the amount of \$1,849.50

Motion to Approve Tuition Reimbursement for Officer Scott Dion in the amount of \$1,849.50 made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

11.04 Historical Commission - Acceptance of Gift Donation of \$75.00 to the Foxborough Historical Commission from book sales

Motion to Accept Gift Donation of \$75.00 to the Foxborough Historical Commission from book sales made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

11.05 BOS Approve minutes from 7/9/19

Motion to Approve July 9, 2019 meeting minutes made by made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

15. Adjourn

Motion to Adjourn at 9:44 p.m. made by E. O'Leary, motion made second by C. Mitchell

No further discussion

Final Resolution: Motion Carries 5-0-0