

Tuesday, October 1, 2019
Board of Selectmen's Meeting Minutes
Foxborough Town Hall
Andrew Gala, Jr. Meeting Room
7:00 p.m.

Members present: Mark Elfman, Chairman
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

Chairman M. Elfman opened the meeting at 7:01 p.m. in the Andrew Gala, Jr. Meeting Room and read the agenda into the record.

M. Elfman apologized on behalf of the BOS for their meeting the night before and for the confusion. M. Elfman explained the BOS went over in time for their scheduled meeting and returned to open session for the purpose of adjourning and did not take a vote yet.

1. Citizen's Input

Jack Authelet and Mark Ferencik came before the BOS to express frustration, as private citizens, regarding the impending demolition of the Amos Morse House on North Street. J. Authelet said he has drafted a letter to Mr. Robert Kraft, owner of the property, requesting they preserve the property, instead, to honor its historical significance in the community. J. Authelet recalled past conversations and meetings with the owners about possible restoration and ask that they honor their original commitment.

2. Green Community Presentation - Presentation to the BOS from Massachusetts DOER Green Communities Deputy Director, Joanne Bissetta, regarding the "Green Community Designation and Grant Program"

Joanne Bissetta introduced herself to the BOS as the Deputy Director of the Green Communities Program for the State. J. Bissetta said she has tips and resources to help the Town facilitate this designation if needed.

Ed Ferguson, resident of Foxborough, came before the BOS and thanked the BOS for their time and allowing him and Joanne to attend. E. Ferguson said he reached out to the Town a few months ago inquiring about this program and expressed his primary interest in climate change. E. Ferguson thanked all of the various Town departments for providing him with feedback and more information about the application of this program in Foxborough. E. Ferguson expressed the negative impacts if there is no action to address use of fossil fuels and the future of climate change across the planet. E. Ferguson said achieving this program in Town requires political support as much as it does community support to ensure success.

M. Elfman asked if credit is given for past work done that is a requirement of the process to achieve this designation; J. Bissetta said the program allows communities to go back two years to claim credit in the preparation of the required Energy Reduction Plan. J. Bissetta said they work hard with communities to help identify other small projects that could add to the required 20%.

C. Mitchell asked if the Town meets all the criteria already; B. Keegan said the Town has not yet adopted the stretch code. B. Keegan said he has been an advocate for this program and said the Town of Foxborough is already working to be a great steward of the environment and resources.

M. Elfman suggested Mr. Ferguson work with himself and the Town Manager and other department heads to take on this endeavor. B. Keegan suggested the Town perform a green energy audit to get an understanding of where we are now and what can be done/opportunities available to work toward this designation. J. Bissetta suggested the Town first sign up for the Mass. Energy Insight to get a good picture of the Town's current status and can use this to track energy usage moving forward.

3. Application for Change of Manager - Kitchen Partners LLC d/b/a Union Straw - Application for Change of Manager from Jennifer Mekler to Steven Pesek

L. Gibson recused herself from the table for this discussion.

Steve Pesek came before the BOS to introduce himself as the General Manager of Union Straw since October 2018. S. Pesek said Jennifer Mekler has stepped away from the restaurant and he will now be the manager of record in her place.

No questions from the BOS.

Motion to Approve Change of Manager made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 4-0-1 (L. Gibson recused herself)

4. Public Hearing - SV Patriot Place, LLC. d/b/a Splitsville Patriot Place - Application for Transfer of Stock, Change of Ownership/Beneficial Interest and Pledge of License/Inventory for an Annual All Alcohol Restaurant License, Common Victualler, and Seven Day Entertainment License for SV Patriot Place, LLC. d/b/a Splitsville Patriot Place, located at 220 Patriot Place

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

Attorney Brian Gazda to present the application to the BOS and explained the change in ownership for the Patriot Place business. Attorney Gazda said this application was withdrawn at the previous BOS meeting and resubmitted with the pledge of license as required. The BOS said the application was complete and in order; no additional questions for the applicant.

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 Application made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

5. Plastic Bag Ban - Discussion regarding proposed plastic bag ban in Foxborough

Neil Rhein, founder of the Keep Mansfield Beautiful Group that has led to the Keep Massachusetts Beautiful Group, came before the BOS to a possible plastic bag ban in Town. M. Elfman said the BOS has been contacted by residents about banning plastic bags in Town and are curious about the process used in Mansfield. N. Rhein said a citizen group put forth the effort to pass the ban approx. 1.5 years ago. N. Rhein said there are approx. 122 communities in the State that have bag ordinances, now including Boston and Cambridge. N. Rhein said MassGreen.org is a great resource for this effort where other communities share how they have achieved this goal.

C. Mitchell asked if Mansfield had to work with the individual stores to ensure compliance with the ordinance; N. Rhein said there is a grace period for each party to adopt the change. N. Rhein said the Board of Health is charged with enforcing the ordinance in Mansfield but is up to each Town to determine who is charged with enforcement. B. Keegan asked how noticeable the change in Town is since adopting this ordinance; N. Rhein said while doing a Town clean-up recently, the volunteers noticed a reduction in the plastic found throughout the Town. N. Rhein added that recycling companies do not want plastic bags in the single stream as it damages the machines; this would solve that problem and possibly reduce disposal costs.

6. Application for Change of Officers - Application for Change of Officers at Red Robin International Inc. d/b/a Red Robin America's Gourmet Burger and Spirits

Andrew Upton came before the BOS to apply for the change of officers as the company has hired a new president.

No questions from the BOS.

Motion to Approve Red Robin International Inc. d/b/a Red Robin America's Gourmet Burger and Spirits Application for Change of Officers made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

7. Special Town Meeting Warrant - Update and Discussion/BOS to sign Special Town Meeting Warrant

B. Keegan asked the BOS to withdraw Article 9 and stated the language in Article 13D that would give the BOS the option to appoint the Town Manager as the dog hearing officer after reviewing the

case as presented by the Animal Control Officer. M. Elfman added that this would empower the BOS to decide collectively to designate the Town Manager as the hearing officer as needed.

Motion to Approve the Special Town Meeting Warrant as Amended to remove Article 9 and to Accept the Amended Language for Article 13D made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

B. Keegan said the BOS will sign the signature page of the warrant tonight and it will be updated to reflect the changes as discussed and will be presented to the Advisory Committee tomorrow night.

8. Police Chief Contract - BOS Possible Vote to Approve Police Chief Contract

B. Keegan said the contract presented to the BOS tonight is for the newly sworn in Police Chief, Michael A. Grace. B. Keegan said the BOS reviewed and discussed the contract in executive session where they completed negotiations and are now voting on this in open session.

Motion to Approve Police Chief Contract for Michael A. Grace made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

9. Selectmen's Update

M. Elfman announced the ribbon cutting at the new Booth Playground on Thursday, October 3rd at 4:30 p.m. and all are welcome to attend.

E. O'Leary said October is Domestic Violence Prevention Month and that the HUGS Foxboro group is working with the schools to educate students on dating violence and prevention.

D. Feldman wished Amanda Smith well on her new opportunity and thanked her for always keeping him organized on the BOS.

C. Mitchell thanked the Foxboro Lions Club donated the mums at the Town Hall and the Foxborough Public Safety Building.

10. Town Manager's Update

B. Keegan thanked C. Mitchell and his wife for always tending to and planting the flowers at Town Hall; always look great!

B. Keegan announced the new Police Chief in Foxborough has officially been sworn in; Michael A. Grace. B. Keegan thanked Chief Baker for his years of service and wish him well on his retirement. B. Keegan thanked E. O'Leary for hiring Michael Grace as an officer years ago; an asset to the Department.

B. Keegan announced that Roger Hill, DPW Director, will be retiring at the start of January 2020 and thanked him for his amazing work and service to the Town of Foxborough.

B. Keegan said he received a letter expressing interest in buying the former Town auditorium building on Payson Road and is worth exploring for future options and feasibility.

B. Keegan said he will be speaking at the MMA Boot Camp tomorrow in Sharon at the Community Center about municipal management.

B. Keegan said he has been asked to speak at the Lt. Governor's event on regionalization to be held on October 8, 2019 in Worcester.

B. Keegan thanked Amanda Smith for her hard work and for strongly taking on the role as Community Information Specialist in Foxborough.

11. Assistant Town Manager's Update

M. Johns thanked Amanda Smith for her dedication and hard work since joining the Town of Foxborough. M. Johns said Amanda made the position what it is today and has been a great co-worker and teammate; she will be missed.

M. Johns said the Town of Foxborough held their Health & Wellness Fair last week at the Ahern Middle School. M. Johns said over 200 employees attended the fair and over 140 flu shots were administered.

M. Johns congratulated Water Superintendent, Robert Worthley, for his award from the MWWA for the Paul F. Howard Award – for an active member whose knowledge and contributions to the profession merit special recognition. M. Johns said Bob and his department are an amazing group. B. Keegan added that he is one of the best superintendents in the State and is grateful for his service to the community.

M. Johns said the Town will be working with Roger Hill to develop a succession plan for his replacement in January.

M. Johns congratulated Chief Baker on his retirement.

12. Action Items

12.01 Officer Scott Dion - Approval of \$1,849.50 for Tuition Reimbursement

Motion to Approve Tuition Reimbursement made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

12.02 Sergeant Ken Fitzgerald - Approval of \$1,849.50 for Tuition Reimbursement

Motion to Approve Tuition Reimbursement made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

12.03 Wormtown Brewery, LLC. - Application for (5) One-Day Wine and Malt Licenses for Wormtown Brewery, LLC. for 10/12/19, 10/13/19, 10/14/19, 10/19/19 and 10/20/2019

Motion to Approve Applciation made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

12.04 Normandy Farms - Request for extension of service hours on (2) One Day Wine & Malt Licenses for food truck festival on October 5, 2019 and November 16, 2019 to 6:00 p.m.

Motion to Approve Extension request made by E. O'Leary, motion made second by D. Feldman

Discussion: C. Mitchell recused himself from this vote.

Final Resolution: Motion Carries 4-0-1

12.05 Reappointment of Jared Craig and Julie Philibert to the Foxborough Cultural Council for a 3-year term to expire 10/4/22

Motion to Reappoint made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

12.06 Reappointment of Barnett Ovrut and Kevin Weinfeld to the Economic Development Committee for a 1-year term to expire 10/4/20

Motion to Reappoint made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

12.07 Veteran Services - Acceptance of Gift Donation of \$500.00 to the Veteran Services Department from Anonymous to the general gift Fund

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

12.08 Recreation - Acceptance of Gift Donation of \$500.00 to the Recreation Department from Edge Performance Systems, LLC. for the new Booth Playground

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

12.09 Recreation - Acceptance of Gift Donation of \$250.00 to the Recreation Department from the Stather Family for the new Booth Playground

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

12.10 Planning - Acceptance of a Gift Donation of \$3,000 in total to the Planning Department from Mr. Joseph Lynch, Bay Colony Group, Inc. and Mayfair Realty & Development Co., Inc. for Wayfinding and Branding signs in Foxborough from Mr. Joseph Lynch, Bay Colony Group, Inc. and Mayfair Realty & Development Co., Inc.

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

12.11 Foxborough Cultural Council - Acceptance of Gift Donation of \$100.00 to the Foxborough Cultural Council from Fundraiser to the general gift fund

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

12.12 Board of Selectmen - Acceptance of Donations to the Foxborough Employee Health & Wellness Fair as raffle items (including gift cards, electric toothbrush, sound machine, jump ropes and beach balls)

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

12.13 BOS Approve Meeting Minutes from 9/10/19, 9/12/19 and 9/17/19

Motion to Approve 9/10/19 meeting minutes as amended made by E. O’Leary, motion made second by D. Feldman

Discussion: C. Mitchell suggested an edit to Assistant Town Manager update on page 3 to complete statement

Final Resolution: Motion Carries 4-0-1 (C. Mitchell abstained from vote)

Motion to Approve 9/12/19 meeting minutes made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 3-0-2 (M. Elfman and L. Gibson recused themselves as they were not in attendance)

Motion to Approve 9/17/19 meeting minutes made by E. O'Leary, motion made second by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0

B. Keegan said he has posed the question to Town Counsel about the requirement to have written minutes to accompany a televised/recorded meeting. B. Keegan said he also posed it to the Massachusetts Municipal Association and is now posing the question to the BOS for their feedback. B. Keegan said the MMA is going to take a closer look at this requirement and go to the State as needed as it is currently a requirement under the MA Open Meeting Law.

13. Adjourn

Motion to adjourn at 8:43 p.m. made by E. O'Leary, motion made 2nd by D. Feldman

No further discussion

Final Resolution: Motion Carries 5-0-0