

Tuesday, April 12, 2022
Board of Selectmen Meeting Minutes
Gala Room, Town Hall
7:00 p.m.

Members Present: Leah Gibson, Chair
Seth Ferguson, Clerk
Mark Elfman

Also Present:
William Keegan Jr., Town Manager
Michael Johns, Asst. Town Manager
Christina Metcalf, Communications Specialist
Katie Lang*, Executive Assistant
*Attended remotely

1. 7:00pm - Citizen's Input

2. 7:05pm Use of Town Property Approval Jaycees Car Show – Jaycees Amy Labreche, Kris Long, Marc Rivard, Cyndi Haddad-Drew, Foxborough Common Business Collaborative

2.1 Approval of Jaycees Car Show on July 10 from 9am to 2pm with a rain date of July 17th

AL – Looking to hold a car show on July 10th with a July 17th rain date. We requested the use of Town Hall parking lot, the lot behind Central Street, Foxboro Federal and other lots. It will be a family friendly event and have collaborated with Uptown businesses. We'll have them pre-register, check in at Rally Point. We did get permission from Invensys to use their lots as well for overflow. Judging between 12pm-2pm. and will have people's choice awards. We're inviting the businesses Uptown to participate anyway they would like. There will be a 50/50 raffle. Half to winner, half to Foxboro Fire Truck fund raiser.

LG –This in front of us because it's the use of public way as this will shut down Central Street from Wall to the Common with traffic able to get around either way.

CH- We are very supportive of this event and the opportunity to see something like this coming Uptown.

AL – We planned for about 120 cars and our hope is that we have some people attending from the Mass Cruisers.

2.2 Info on Jaycees Vendor Fair and Concerts on the Common

MR – Concerts on the Common is FHS Jazz Band starting on June 9th. We have a very diverse line up this year.

AL – Vendor Fair May 14th on the common. Candidate's night will be on April 20th via Foxboro Cable Access.

3. 7:10pm Annual Entertainment License Renewal - NPS, LLC – Jess Enos* -KS&E Group, George Bell -SAC, Police Chief Michael Grace

3.1 2022 Annual Entertainment License for all Kraft Sports and Entertainment Group Events at Gillette Stadium

LG – We are back here for the annual license and we have the data sheets for the scheduled events and will have additional data sheets added for any additional events.

JE – We met with Stadium Advisory Committee (SAC) and public safety. We are excited to have a full slate of events. We are in the middle of a major construction project and keeping that in mind with events and renovations.

We will have Monster Energy Supercross Saturday April 23rd, which is a carryover from the last license. Garth Brooks is on May 21st, which will be our first in the round concert in over 10 years. Monster Jam will happen again, Dead and Company on July 2nd, 2 Premier Lacrosse events in the summer and fall between 5,000-8,000 people. The Weeknd's After Hours Tour, is Thursday July 21, and this is 2020 rescheduled concert coming from the Garden. There are two Elton John concerts, July 27th and 28th which are both sold out. Our 2 annual Kenny Chesney dates on August 27th and 28th. Rammstein, a German band on the first North American tour is on September 9th. Revs

season is in full swing with attached schedule. When the NFL schedule is release we will formally submit the schedule. We will continue to operate the Route 140 egress as a pilot program. We go great feedback from the residents that used it and hope to see an uptick in use. Hopefully we'll have a few events to add and those will go directly to the Board and have the ability to call a meeting if needed.

LG – What does LE and LS mean? Garth is listed at 70,000, how many seats do we have?

JE - Live events and live sports. The capacity on the field is 10-12,000 with 68,000 fixed seats. We have 64,000 seats sold right now.

GB – Great to be back in business. We had a great review with the public safety teams. It was a great plan in the way the annual license is put together. From the SAC perspective, the construction may give us some more noise complaints as that barrier is down. There is coverage for all events. Public safety is going to be working really hard this summer, my hats off to them.

MG – Prior to the meeting we had with SAC, we have a lot of planning ahead of time with prior intel with the bands as they are on tour. We are working with the state police and they have been great.

ME – It was great to get the Partners in Patriotism flyer in the mail today.

Motion to close the public hearing by S. Ferguson, 2nd by M. Elfman. Approved, 3-0.

Motion to approve the 2022 Annual Entertainment License for Kraft Sports and Entertainment Group at Gillette Stadium subject to the terms and conditions of the license contained therein by S. Ferguson, 2nd by M. Elfman. Approved, 3-0.

4. 7:15pm Use of Public Way/Town Property - Foxborough Founders Day - Scott O'Donnell, Monica Fisler

4.1 Approval of a Use of Public Way and Town Property Permit for Foxborough Founders Day, June 11th

SO – We are excited to get it back and June 11th this year.

MF – Road closures at 9:30am, parade starting at 10am. I will be reaching out to Chris about the Common for the barriers, we have lots of interested from the town organizations. The rocket drive is Saturday, May 28th.

SO - We'll be at Town Elections as well. Please feel free to contact us if you have any questions.

BK – One of the local banks would like to help as well.

Motion to approve a Use of Public Way for Foxborough Founders Day on June 11th by S. Ferguson, 2nd by M. Elfman. Approved, 3-0.

5. 7:20pm Common Victualler/Entertainment License Application - Curry Leaf, Owner Inderjeet Saini and GM Elizabeth Gregory

EG – I will be the General Manager. It is at 29 Washington Street and it will be an Indian and Pakistani restaurant. We will have a different menu on stadium event days.

LG – When do you plan to open and we'd love to have a ribbon cutting event if you would like to have it.

IS – Everything is mostly set up but we are waiting on a few things to be shipped to us. Our projected date is April 25th to May 1st, when we receive our shipments.

Motion to approve a Common Victualler and Entertainment License for Curry Leaf LLC d/b/a Curry Leaf by S. Ferguson, 2nd by M. Elfman. Approved, 3-0.

6. 7:25pm Common Victualler License Application - Banh Mi Oi – Phi Pham & Yeanie Bach

6.1 Approval of a Common Victualler and Entertainment License for Kolo Group LLC d/b/a Bahn Mi Oi

PP - We are owners of Bahn Mi Oi and first opened in West Roxbury. One of our customers was the son of the owners of Sal's and Mal's who wanted to retire and spoke with us about taking over the space. It was a great opportunity for us and we have started to integrate ourselves into the community.

ME – When do you plan to open?

PP- There is a shortage of a lot of supplies but we are looking for mid to late May to open.

LG - Hopefully you'll be open by Founders day and would love to have a ribbon cutting for Foxborough Nutrition and hopefully the bakery soon.

PP – Our name Bahn Mi Oi, tells the story of how food is offered in Vietnam. If you are at Fenway and you say “Hey, I want a hot dog!” in Vietnam it would be “Bahn Mi Oi!” and that's how you would call a vendor.

LG – Is the restaurant name the same in West Roxbury?

PP – Yes it is. It is a beautiful community.

Motion to approve a Common Victualler for Kolo Group LLC d/b/a Bahn Mi Oi by S. Ferguson, 2nd by M. Elfman. Approved, 3-0.

7. 7:30pm Use of Town Property - Foxborough Farmer's Market - Recreation Division Director Renee Tocci to provide info and details about this summer's Farmer's Market

RT – We're really excited to be able to offer the Farmer's Market again this year June 2nd through September 8th is the beginning we have some vents that will happen again during the Farmer's Market. We'll have a yoga, art in the park and Jack Authalet will have a book signing and speak. We're looking to have 15-20 vendors this year.

8. 7:35pm Department Update - Town Clerk's Office

8.1 Town Clerk Robert Cutler to give update on department and Annual Town Election information

RC – Annual Town Election will be May 2nd and Annual Town Meeting is May 9th and we will be testing the equipment in the 1st floor room next Wednesday. We've received a lot of interest with this election for School Committee. The Board of Health and Library Trustees have open seats with nobody running for them. If there is a write in candidate then that person will win that and that has happened a few times. We've had interested in absentee voting. We will swear in anybody that night who needs to be sworn in. Then we go into Town Meeting with the biggest article is the marijuana article.

LG – What are the voting hours?

RC – They are 7:00am to 8:00pm. The warrant will be signed tonight and posted by the constable tomorrow.

BK – We've had a good warrant review process this year.

RC – I agree. Also we will have on September 6th the State primary and November 8th is the State election. The governor and local representatives and congressmen are on there. A lot of the 2020 pandemic with the by mail voting and those should be reinstituted. We will be printing enough to distribute before and then have enough for at Town meeting again.

LG – It would be good to have a QR code so that you have it on your phone as well. That seemed to work well with survey last year.

RC - Hoping that money gets approved for CIP so that I'll be able to get the voting machines. The Board will have to vote to approve the new voting machines, and hopefully will have them by next year Annual Town Election.

9. 7:40pm MBTA Communities/Housing Choice Discussion - Planning Director Paige Duncan* to present and discuss the MBTA Communities/ Housing Choice program

PD – It is required that I hold this meeting with you by May 2nd. Background: The Economic Bond Bill was passed in December 2020 and signed by Governor Baker in January 2021. The governor has been pushing housing choice for years but hadn't had any traction with the legislature to move anything along and it is very difficult to change zoning and housing rules in the State. Through this bond bill he was able to get some provisions regarding housing. One of the things had to do with lowering the thresholds for town meeting and then Section 18 address the requirements of an MBTA community. This law that is now in effect that MBTA communities must adopt multiple family zones with a minimum density of 15 units per acre. This is required, not suggested. Reasonable size requirement has been interpreted to be 50 acres. We are not sure if that number will stick firmly. You are allowed to have sub-district with sub-density. You must have at least 15 units per acre. It must be legally and practically allowed. Must be in areas with convenient access to transit by bicycles and pedestrians. Must allow for at least 10% of units as share of total housing stock but also must allow at least 750 units (50 acres x 15 units/acre).

Communities must estimate the unit capacity for each district. The minimum required capacity must be attainable in the district(s). The state and MHP will be developing tools that communities can use to make these calculations on a per lot basis. Prove that is it attainable. Districts may be established that already include existing multi-family units. Districts may be established that already include existing multifamily units. When an MBTA community has no land area within 0.5 mile of a transit station (Foxborough), the multi-family district should, if feasible, be located in an area with reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes, or in an area that otherwise is consistent with the Commonwealth's sustainable development principles. DHCD must make a "Determination of Compliance" for each applicable community, which may be interim, allowing Foxborough to establish the requisite bylaws and mapped area(s). Interim compliance requires, creation of an Action Plan, Implementation of Action Plan, Adoption of Zoning Amendment, and a Request Determination of Full Compliance. If we don't want to comply/do this the Town will not be eligible for funds from the following grant programs; the Housing Choice Initiative; the Local Capital Projects Fund; or the MassWorks infrastructure program. To remain in compliance while DHCD we have to submit a community information form by 5:00pm on May 2, 2022. We have to have held a briefing of Select Board on the Draft Compliance Guidance no later than May 2, 2022 and attest to that on the MBTA Community Information Form.

What does this mean for Foxborough? We are an adjacent community. We are required to have 768 units under the current guidelines of 10% of total housing stock required. Existing units can be included, after looking at our most densely developed areas. It was surprising to see that the Lodge has about 11 units per acre and the Sylvan has 14 units per acre, neither of our most dense projects in town meet that 15 units per acre density. If we were to establish this 50 acre multi-family zone where would we do it? One obvious location is out near the station at Gillette Stadium. We did think that we may be able to have it over at the Foxborough Boulevard area. One of the questions on the form we have to submit, is do we want technical assistance or not. There are several resources available for use to fund the technical assistances. We have had this presentation and will submit the form by May 2 and then July 1, 2023 will be the deadline for DHCD approval of a timeline and action plan. December 31, 2024 is the deadline for adopting an appropriate zoning amendment that complies with guidelines.

ME – We don't have to build the units, but we have to zone an area for those units?

PD – Yes, but it has to be by right.

ME – Does that mean a developer can come in and build?

PD – Yes, we might be able to do site plan review and you could have sub-districts as well. It is a frustrating thing for the suburbs. We are at 12.8% for affordable housing and we are building 200 units senior affordable housing. I understand the concept but there is zero flexibility.

ME – What do you mean by right?

PD - By right means we can't prohibit and it can't be a discretionary permit.

SF – It's disappointing when the state mandates the one size fits all things.

LG – When I did the math it was 175 out of 351 communities and it was 49% of the state that is MBTA adjacent. While it is a requirement, we could choose not to comply but there would be ramifications for not complying.

BK – This is a one size fits all and this is like the next generation of 40B and it makes no sense to be, there is nothing about affordability as this is major issue right now.

ME – Are any communities pushing back legally?

BK – There are number of communities who have voiced deep concerns, including us, about this issue to the State. We would have to change the law. There isn't anyone who doesn't want affordable housing but the way they are going about this doesn't make sense to me with this one size fits all approach.

ME – Secretary Kennealy was talking about it like it was a great thing and hearing the other side of the coin where it's the opposite

BK – It's frustrating as Paige points out and she's been on the forefront of this issue with her planning colleagues and I've been dealing with it amongst my town manager's colleagues. We are all saying the same thing, that this is not being done the right way. Based upon our read of the community we expect that it will be looked by Town Meeting will look at it and not approve it.

LG – The point here today is that we are checking the box. Paige you are filling out that form?

PD – It is critically important that we remain eligible for the MassWorks grants. In order to meet the spirit of this conversation, do we want to figure out who decides that? Does it go to Town Meeting, do we need a committee/ad hoc group? I don't know that we all feel comfortable unilaterally figure out what we are doing next year. I want to make sure we make an informed choice and not a knee jerk choice.

BK – The concept make sense but we need more flexibility. The way it's written is it's all or nothing. This is something that residents should be weighing in somehow some way.

LG – Do we have time to revisit this at some point in June?

PD – I'll send the form in and see what happens in the summer/July when the final guidelines come out and then revisit it then and decide then to figure out what steps need to be taken.

ME – Maybe have a joint Planning Board and Board of Selectmen meeting and maybe include ZBA.

BK – We should have dialogue to see if we need to go to town meeting.

10. 8:10pm Finalize and Sign Annual Town Meeting Warrant – BOS

LG - With the board the way it is now we will not be taking positions tonight. We've talked about all the articles a number of time.

SF – I've been silent on all Library or contractual items, because that is the requirement and that is because my wife works at the Boyden Library. After speaking with the Ethics commission and Labor Counsel, one of the ways to

make sure that 203B and file for full disclosure. This means that I could do the work of Selectmen and I wouldn't bring any improper to the town budget. I wanted to have my position on the record. It terms of the budget and I agree with the budget on Stephanie. I am comfortable on the reorganization and I agree with Stephanie on the 0 net ad head count [library]. As far as the no net ads [of new positions] because we are coming out of a global pandemic that will long term effects to the budget than just that year. Around any additional positions what I would expect for an appropriate request, notwithstanding our directive not to add people, that there's should be a demonstrated need from the community to provide this resource. Once that need has been demonstrated, that there is a plan for that role. I am referring do the Young Adult Librarian role. I would be looking for people outside the trustees and outside of the former director who are looking to have this need filled. As far as a plan, at the YMCA there is a youth leader, working with Marc Craig and Human Services. Rather than putting someone in a room and expecting that to drive demand, it's really have a plan. In lieu of those things I would have a hard time of being in favor of having the incremental head count.

LG - The public hearing for the marijuana article on April 14th.

10.1 BOS to finalize and sign the Annual Town Meeting Warrant

Motion to approve and sign the finalized 2022 Annual Town Meeting Warrant by S. Ferguson, 2nd by M. Elfman. Approved, 3-0.

10.2 Discussion and possible vote on positions for BOS sponsored and Citizen Petition Warrant Articles

No discussion.

11. 8:20pm Assistant Town Manager's Update

11.1 Update on part-time Payroll Collector position recruitment, new hires and union negotiations

MJ – We have a few new positions advertised, we have a part-time position in the finance department, Payroll Collector. The working supervisor at Tree and Park. We have a number of summer jobs and a library page position advertised as well.

The Board and all unions have ratified all of them. We started in August with negotiations. Our COLAs are 1.5%, 2% and 2%. We worked to be competitive to attract top level talent. All contracts are 3 year contracts. Steelworkers had the Computer Use Policy added to their contract, added a new evaluation tool, made some parity adjustments, added a new grade 10 positions (new Human Services and Land Use divisions), Unit B has new stipend eligibility and the comps are in the 47th to 55th percentile.

Library addressed sick leave buy back, added a degree stipend, increased Sunday pay to double time, added a night differential of \$2/hour, agreed to post jobs internally for 10 days before posting externally and the comps are in the 52nd to 62nd percentile.

Fire, Police and DPW, have the same COLAs and are 3 year agreements. We negotiated a seniority step as well. We focused on training and education as an important focus and discussed details and overtime.

For Fire there is an increased education incentive, a 15 year senior step, details will be \$64/hour, a physical fitness test, 6 month's notice to retire, and our comps are in the 49th to 56th percentile.

Police added a 20 year senior step, details are \$66, a trained officer in charge must be offered to a Sergeant or Lieutenant, the night differential increased by .5%, a 15 mile residency requirement was re-implemented, and our comps are in the 49th for Patrolmen and 52nd for Sergeants.

DPW had minor adjustments made to weekend pay, added a 15 year senior step, added certification standards for stipends, a heavy equipment operator have to have a few licenses, increased the tools stipend, increased vacation time to 3 weeks at the start, and they are in the 49th – 54th percentile.

BK – Mike has worked hard with all the unions, George, Marie and Chiefs and he did a great job.

MJ – We will present to Advisory committee tomorrow night.

12. 8:30pm Town Manager's Update

12.1 General update on Town business and operations, ICMA conference recap and SEMRECC update

BK – Mike and I attending the regional ICMA in Boston and heard several workshops and roundtables. The number one topic is filling the workforce. SEMRECC is looking to expand its number of communities including Norwood and Taunton, and will try to add those in the next 2 months or so. We are seeing a few new regionalized 9-1-1 communications centers.

We had a Community Center discussion today with the ad hoc group that is working on it and Doc was there and I'll have him give an update on that.

ME – We have been discussing this with the Town Managers and Bill Yukna of the Permanent Municipal and School Building Committee and sometime next month we'll come in for a proposal and figure out next steps.

BK – I think if we start planning now we'll have a good window to get this started.

12.2 Use of Town Property Permits

Foxborough Founders Day Rocket Drive - May 28th 6:30am-1:00pm

Foxborough Founders Day - June 11th 9am-Midnight

Jaycees Car Show, Vendor Fair and Concerts on Commons as previously discussed

13. 8:40pm - Selectmen's Update

13.1 New Business - Boards and Committee Appointments in May

13.2 Old Business

14. Action Items

14.1 BOS - Approval of BOS Minutes from 3/1/22 meeting

Motion to approve the March 1, 2022 Board of Selectmen Meeting Minutes by S. Ferguson, 2nd by M. Elfman. Approved, 3-0.

15. Adjourn – 8:46pm

Motion to adjourn by S. Ferguson, 2nd by M. Elfman. Approved, 3-0.