

Tuesday, February 15, 2022
Board of Selectmen Meeting Minutes
Gala Room, Town Hall
7:00 p.m.

Members Present: Leah Gibson, Chair
Stephanie McGowan, Vice 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. 6:15pm Executive Session

1.1 To Conduct Strategy Sessions in Preparation for Contract Negotiations with Non-Union Personnel - Fire Chief Contract

Motion to enter into executive session to Conduct Strategy Sessions in Preparation for Contract Negotiations with Non-Union Personnel, the Fire Chief contract, to vote to approve and not release Executive session meeting minutes from October 12th, 2021; and then to reconvene in Open Session by S. Ferguson, 2nd by M. Elfman.

Roll Call ME – Yes, SF – Yes, LG – Yes, SF – Yes. Approved, 4-0.

2. 7:00pm Citizen's Input - None

3. 7:05pm Approval of Foxborough Fire Chief Contract - Board of Selectmen

3.1 Possible vote to approve the FY22-FY24 Fire Chief contract for Foxborough Fire Chief Michael Kelleher

Motion to approve the FY22 through FY24 Foxborough Fire Chief Contract by S. Ferguson, 2nd by M. Elfman, Approved, 4-0.

4. 7:10pm New Department Head Introduction - Building Commissioner Scott Shippey

SS – I have 35 years of experience in the construction field. I served as fire prevention officer for 13 years. The staff is wonderful. Lisa is great to work with and is hope to bring stability back to the department. I look forward to working with Planning Department and businesses following the right processes.

ME – How far away do you live?

SS – I live close to the Cape.

MJ – He's met all the department heads, getting some training from our Interim Building Commissioner Paul DeBaggis and former Building Commissioner Bill Casbarra. He's integrated with everything and all the departments he needs to be.

ME – It's not just the games but the concerts that you have to work at and look at.

SS - Both Bill and Paul have been great resources. I'm not reinventing the wheel. I want to be a part of the mechanism to run that wheel.

BK – Staff is thrilled to have Scott here and stability is really important. His fire background fits in really well with the Fire Department

SS – I'm working with Fire to make inspections schedules and meeting with them bi-monthly.

MJ – The work with Tabor academy when interviewing him was impressive.

5. 7:15pm Draft Annual Town Meeting Warrant Review - Board of Selectmen

5.1 Board of Selectmen to review the Draft 2022 Annual Town Meeting Warrant

LG – Today we are here to talk about the warrant articles and if there is anything we need to discuss. These are still being vetted and discussed but there will be some feedback. We can use Advisory Committee where it makes sense and get presentations for others and we can then take positions on Board of Selectmen sponsored articles.

SF – Any info on the sidewalk citizen's petition?

LG – It looks from Paula Lane to the South Foxboro Community Center but I am not sure.

SF – Are there sidewalks north of that?

LG - There aren't but it does widen as you go over the overpass.

SF – I'm in favor of sidewalks on streets with schools and churches.

BK – There is a cost factor in all of this and a number of moving parts address by DPW. We are challenged with maintaining existing sidewalks. We are not sure where the cost estimates came from or have the explanation and could be significantly higher. DPW would be the first place to go for review. The biggest challenge is there are no funds set aside for this unless we use free cash. We have sidewalk money and part of our pavement management program but was set back because of Covid.

SF – What's the process if there is a citizens petition to add sidewalks? This is the first step presumably?

BK – We'll have to explain to everyone as we cannot have a run on sidewalks, when we don't have the money to pay for it. It's not reasonable or needed but we need to investigate how we do it.

SF – It's a main road and a safety issue because of the significant traffic.

SM – I would never say no to a sidewalk but if we have 3 or 4 more pop up it creates a problem. We need to make sure the right people vet the need and we need to be careful because we need to find the money for it.

SF- If the town agrees that we need sidewalks then that what we need to do.

SM – They need to be prepared to pay for them as well.

BK - It becomes a question of prioritization too.

LG – Please let us know when the schedule is for the Advisory Committee warrant hearings. What we are talking about is Article 19 Selectboard name change, Article 29 Sign bylaw in relation to billboards, Articles 27, 28 and 20 marijuana and door to door canvasser solicitor article. Articles 21-26 are on because of technicality but they may come off after we hear from the Attorney General.

ME – Could you give us an update on the new one?

BK – A petition was submitted to have a direct mailing to all resident in to when there is residential zone change with in the town. This was submitted by 14 individuals. Chapter 40A requires abutters to be notified. This was intended to make sure it is a blanketed information to everyone happens. That is a cost factor for us to consider as well. As well as the work that would go into the materials.

LG – Seth asked who draft Articles 27 and 28 and the answer is Town Counsel and those go through Planning Board, which is the standard procedure. Planning has reviewed and wants to make some changes and additions.

SF – How did this get to us?

LG - We talked about it in 2021 and then we had inquiries from a couple of parties.

BK – The applicants asked about the process and this group represented by Frank Spillane. It looks like the town can only get 1 license for distribution and cultivation and if one person proposed it and it wouldn't necessarily be the person who could receive the license. The recommendation was to see if the Town would be willing to allow this. This was brought to the 2017 annual town meeting and defeated as a 60/40 split against. There were no regulations in place and worked through at the state level.

SF – There is risk as it is still illegal at the federal level.

BK – Five years later we are surrounded by communities who have adopted this and it is now a fairly substantial revenue source for communities to consider.

LG – I had brought it up because maybe now is a good time to look at it again.

SF – It is an incremental revenue stream. Could this take away from other business?

BK – If someone comes in and takes up a piece of property and they continue to pay taxes over time that's actually true. This is a tax plus revenue. The person would pay a property tax along with a 3% sales tax directly to the town. It would 3% increase sales take for first 5 years up to 3% with the mitigation agreement.

BK – Millions in revenue throughout the state. Cannabis outsold alcohol in Massachusetts last year.

SF – For \$50 million split between all the towns who have it which is maybe 50, that would be a million dollars, so we'd get \$60,000. Communities are getting \$350k - \$500k per year.

LG – In 2017, it hadn't been done and there were some growing pains and now it's more tried and true. Is it worth revisiting and having someone come informally to see if the Town would consider doing this? That's when I came to the Board and asked what you all thought about having it on the warrant.

LG – We could get more numbers and have presentation on this issue.

ME – They are requesting information on where the town stands on this now.

SM – Who and how will this presented at Town Meeting?

BK – It will be myself and others who are experts in this area. We spoke with a deputy superintendent with the police department in Brookline where they have 4 separate locations. He explained how it's worked over the course of several years, how successful it's been for the community and the pros and cons. The pros and cons weren't as significant as we thought they were. It was not what they thought it would be initially. The industry is evolving more than smoking marijuana but also edibles as well. I think the market is different, we need to understand more and see what the community wants and see if it could benefit the community financially.

ME – We voted not to 5 years ago because there were no regulations in place and we didn't want to be one of the first towns. A lot of the discussions was to vote it down because we didn't know and look at it later down the road.

LG – Planning, Police, Health and other department will be involved.

BK – Even if the zoning passes it would take at least a year if the zoning itself passes, that you would see the first store.

SF – Is the 3% in perpetuity?

BK – The 3% sales tax is, the 3% impact fee would be up to five year and would still be up for consideration.

LG – We could look at different host agreements and see which group we would want to have in town.

SF –

BK – You can sell it as well as grow it and it is as lucrative. I think it is something the town should think about it.

LG – Any comments before we move on? [none]

6. 8:00pm Assistant Town Manager's Update

6.1 Update on recruitment and new hires – Tomorrow night will be the finalist interview with the Library Director. We met with the Personnel Board this evening to review positions and talk about bringing up pay to competitive rates to be able to reopen our pool and staff our summer recreation programs, which was approved by them.

LG – Do we need to update the job descriptions?

MJ – Yes, we will update it along with the pay scale for each position.

7. 8:10pm Town Manager's Update

BK – I did send an outline of the Town Manager Search timeline. We should get serious about this in July/August. I will not be a part of this but we will help coordinate.

7.1 Update on Housing Choice Bill – This is particular aligned with MBTA or next door neighbor to the MBTA. The density requirements of the Bill are significant. Comparing it to one of the project we have is the Hanover project and that is 8 units per acre. They are requiring 15 units per acre. They are looking to have a 750 unit minimum and would need a 50 acre lot. The idea is good to provide affordable housing and housing to consider is good but the density would be difficult for the town to absorb. There are some drawbacks if the Town doesn't pass then we wouldn't be eligible for MassWorks types grants. I've reached to to some of my colleagues throughout the state and indicated that we should look at the size of the community and not a one size fits all approach, especially with the push back on housing in Town recently. The AG can't change because it's in the statute but they are open to new ideas and concepts. I'm reaching out to state representative and state senator about this issue. I'm not the only one who is expressing this level of concern over the actual density.

LG – We will have to have a presentation before May 2nd.

BK – Towns are in favor of affordable housing, but now with the details about this bill, residents are hesitant.

LG – We'll go deeper for the Town Manager hiring process and have to do an RFP

7.2 Town Manager Approved donations -Foxborough Fire and Rescue Donations: Nancy Bach - \$100.00, Robert and Nancy Cassano - \$100.00. Recreation Donations: \$50 each In memory of Jeff Scott by Leo Otterbein and Kathryn Ashe.

BK – Will be presenting our budget tomorrow night at Advisory Committee.

8. 8:20pm - Selectmen's Update

8.1 New Business – Mask Policy was updated and posted.

8.2 Old Business - Darkness to Light Training happened on Saturday February 12, and today with coaches, town employees and board and committee members.

- David Feldman lost his father-in-law and the wake is Friday and church service is Saturday.

9. Action Items

9.1 Amendment to NPP Estoppel Agreement - Amendment to existing Estoppel Agreement between Santander Bank and the Kraft Organization

Motion to approve the amended Estoppel Agreement between Santander Bank, NPS LLC and the Town of Foxborough by S. Ferguson, 2nd by M. Elfman.

SF – What is this?

BK – They changed their bank that they are using. If NPS owed us money or anything we would be able to Town Counsel thought this was appropriate.

Approved, 4-0.

9.2 Board of Registrars - Appointment of Rosalie Linscott to the Board of Registrars for a term to end 5/31/23

Motion to appoint Rosalie Linscott to the Board of Registrars for a term to end 5/31/23 by S. Ferguson, 2nd by M. Elfman, Approved, 4-0.

9.3 BOS - Approval of BOS Minutes from 1/18/22 meeting

Motion to approve the January 18, 2022 Board of Selectmen Meeting Minutes S. Ferguson, 2nd by M. Elfman, Approved, 4-0.

10. Adjourn – 7:57pm

Motion to adjourn S. Ferguson, 2nd by M. Elfman, Approved, 4-0.