

Tuesday, August 16, 2022
Board of Selectmen Meeting Minutes
Gala Room, Town Hall
7:00 p.m.

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

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

1. 7:00pm - Citizen's Input - Benjamin Martin, regarding 140 traffic concerns

LG – Bill spoke with him and let him know that it is state road and that we are not the best first point of escalation and we'll support that as best we can.

2. 7:05pm Public Hearing: Alteration of Premises - Shovel Town Brewery Inc. –Jim McSherry, Co-Owner

LG- Katie, will you walk through the Farmer's Pouring License before handing it over to Jim.

KL – The State gave Shovel Town their Farmer's Brewing License, the Board as the local licensing authority gave them their Farmer's Pouring License. The reason we are here tonight, to alter their premise to allow them to serve all 3 of their beverages (beer, wine and spirits) to any/every table at their restaurant. It is a requirement for the state and a step for them. They are approved through the ABCC for their Farmer's Pouring and if this is approved we'll submit to the ABCC and keep them on a good timeline.

JM – We came in front of the Board to get approved to for Farmer's Pouring and that went to the state and approved. 19H is a statute that was developed after that. With the Farmer's Distillery pouring permit we can pour distillery in the distillery designated part of the building, same with winery and brewery. This amendment will include all areas of the building. We are hoping to be open in October.

Motion to close the public hearing by D. Keefe, 2nd by M. Elfman. Approved, 4-0.

Motion to approve an Alteration of Premises for Shovel Town Brewery, Inc. d/b/a Station One by Shovel Town Brewery by D. Keefe, 2nd by M. Elfman. Approved, 4-0.

3. 7:10pm Public Hearing: 7-Day Beer and Wine License Application - Hao Sushi LLC, Owner Hao Zhang

Review and vote on a 7 Day Beer and Wine License Application, Common Victualler and Entertainment License Application

HZ – Looking to open a high end sushi restaurant at the old Sushi Madness and be able to serve beer and wine.

ME – What experience do you have holding a liquor license in your name?

HZ – I was a bartender in Marshfield at the Ming Dynasty restaurant for 3 years and have been the head chef in the Franklin Ichigo Ichie restaurant. I have over 10 years restaurant experience. I am TIPS certified.

ME – Is this a license transfer?

LG – This is not, the owner before Sushi Madness had a license but turned it in.

BK – I want to thank you for cleaning up the parking lot. It was a lot of weeds and unsightly.

Motion to close the public hearing by D. Keefe, 2nd by M. Elfman. Approved, 4-0.

Motion to approve a Common Victualler and Entertainment License Application for Hao Sushi LLC by D. Keefe, 2nd by M. Elfman. Approved, 4-0.

Motion to approve a 7-Day Beer and Wine License Application for Hao Sushi LLC by D. Keefe, 2nd by M. Elfman. Approved, 4-0.

4. 7:15pm Foxborough Clean Up Day - AJ Dooley and Joe Gerraughty on 9/10 Foxborough Clean Up Day

JG – I have been on the CUD for 4 years now. This was started back in 2013 by Jack Authalet. We used to hold in the spring during the race day. We moved to the fall last year and it seems to have worked out well and that will be the new normal in the fall. We like that it would be near September 11, day of service. Sign-ups are open at FoxboroughCleanUpDay.org

AD – We missed a year for Covid but we'll be doing it again this year on September 10th from 8:00am – 12:00pm and there will be a pizza party to follow. We had 5 local pizza places donate 10 pizzas and raised money for the disposal cost and t-shirts. That is the first day of soccer and will be a busy day. To give back to the Town, it only takes a half an hour to fill a bag. We have a system of picking up bags that has worked.

JG – We do raffles prizes for all the people who participate too.

5. 7:25pm Public Hearing: On Premise All Alcohol, Common Victualler and Entertainment License Application -

Crazy Axes Foxborough LLC Tom Miller and Steven Miller representing Owner David Kulikowksi and Manager Adam Oliveira

S. Miller – We are here before you with an interesting concept. There are 11 establishments in the state that are axe throwing and nine of those have liquor licenses and the other two are BYOB.

TM – David is a champion axe thrower who is passionate about the sport. They have operated extensively in this concept for over three years in Hanover successfully without incident. They have experience running this concept with alcohol involved. This location is the former 5Wits place at Patriots Place. It is two floors with table seating and bar service on each floor. A full menu will be available, a draft menu is in your packet. Only wine and malt beverages will be served on the lower level. Hard alcohol will be served on the upper level with no transition between the two levels. Adam is the proposed manager of record, he has extensive experience in the hospitality industry and has been involved for 18 years. He is familiar how to regulate the sale and service of alcohol, has familiarized himself with Foxborough's rules and regulations and is familiar with the ABCC guidelines. To operate the establishment safely, all staff will be TIPS certified, every coach, host, security person and manager. Each lane will have a coach to ensure that everyone throws safely but also to monitor alcohol intake and ability to continue to operate. There will be a supervisor on the throwing level that will support any staff that needs it. Each thrower will be identified, checked in, review safety protocols and given an ID band depending on if they are over or under 21 years old. Nobody with a band can purchase hard alcohol. There will be staff located at key points to prevent hard alcohol from entering the throwing area. Axes will be stored when not in use. Nobody under the age of 21 will be allowed in on Friday or Saturday nights after 8:00pm. Everyone will be trained and aware regarding liquor and provide a safe environment for patrons to enjoy the sport. We have a sample menu and will adjust as we understand what we should provide. [Review of the floor plan]. We are excited to bring this establishment to Foxborough and believes that this will be a good addition to Patriot Place and Foxborough.

ME – I appreciate the differentiation between beer/wine and hard alcohol, but why not have no beer and wine also. As part of a sporting club we don't drink and shoot. Why not restrict any alcohol until they are done throwing.

S. Miller – After speaking with the Police Chief and Town Manager we restricted it to two drinks (beer or wine) during throwing. It is a social sport and this has been the way in the state that it has been.

TM – Anecdotally, we’ve seen that it is fast paced enough that one drink is ordered and it sits there until the end. We don’t see people hanging out, crushing beers, and throwing axes.

BK – I’ve gone to an axe throwing facility. When doing it and I got so caught up in it that I didn’t finish the drink that I had.

TM – Unlike other sports, the reservation is 75 minutes so you can’t just sit there and drink.

ME – Once they are done the ID band is removed? [Yes]. If you have a very busy night with 14 lanes, you’ll have 14 coaches there?

TM – Yes, and if there is no coach there is no throwing.

DK – TIPS is a training that is supported by the Mass Restaurant Association and is a program that trains people in the responsible service of alcohol. It’s every 3 years to be recertified.

SF – How many people are there for axe throwing versus just coming in to the restaurant.

TM – Throwing is the primary reason for them to be there and maybe stay before or after their reservation.

LG – This is great but if you have people coming from games, we want you to make sure they aren’t intoxicated.

TM – That is why we are having everyone be TIPS certified, so everyone knows what to look for and know who is a problem. Serving someone who is intoxicated is not worth it for the owner. He understand what this means and wants to run a quality business.

LG – What is the age requirement for throwing axes?

DK – We currently allow axe throwing for ages 9 and up at our Hanover location.

ME – Is there different size axes for different ages?

DK – We have several different types of axes based on their mechanics, our coaches will get them the right axe.

BK – We reviewed this with the group here, along with the Chief and Brian Earley as well as Town Counsel, and they answered all our questions and are comfortable with this concept.

Rafaella Zizza-Feinstein – How many people are allowed in each station.

DK – There can be up to 5 throwers per target.

Motion to close the public hearing by D. Keefe, 2nd by M. Elfman. Approved, 4-0.

Motion to approve the application for Crazy Axes Foxborough LLC d/b/a Crazy Axes for a Common Victualler and Entertainment License by D. Keefe, 2nd by M. Elfman. Approved, 4-0.

Motion to approve the application for Crazy Axes Foxborough LLC d/b/a Crazy Axes for an On Premise All Alcohol License by D. Keefe, 2nd by M. Elfman. Approved, 4-0.

6. 7:40pm Financial Trend Monitoring System (FTMS) Presentation - John Coderre, Northborough Town Administrator

LG – this is the intro to FTMS and there will be more pieces going forward.

SF – About 5 years ago, I went to MMA meeting that John spoke at and happy to have him. That presentation was impactful understanding some of the things an town can do to understand their financial situation and make informed decisions.

JC – One of the things that I've done in my career has been focusing on best practices when it comes to public budgeting. If you aren't having a good time budgeting then you aren't doing it the right way. It is the means to the end for everything that you do that impacts your residents. On a day to day basis, this is where the rubber meets the road and has the most impact. When local government works well, there is nothing like it. We tend to spend a lot of time in public hearings and talking to people. We try to build consensus on everything we do. This is about getting cohesion around the facts and the process, so you are spending your time and energy talking about your values and what you are trying to accomplish. In my experience when someone doesn't like what you are doing on the local level, very rarely do they come in with a well-articulated attack, but on an information and process level. If you can do that well it takes away the low-hanging fruit of those types of complaints. Most towns have CAVE people, Citizens Against Virtually Everything. These people will stand up at meetings and attack things on an information and process basis rather than on the merits of if it's what your municipality wants to be doing. I'm going to go over Financial Trend Monitor, Financial Condition, Goals & Objectives of FTMS, examples of Financial Indicators and Financial Forecasting.

When we talk about the three legs of the stool when it comes to financial management, we are talking about financial policies, capital improvement planning and FTMS and financial forecasting. Financial Policies are your rules of engagement and I've reviewed Foxborough's and they're excellent. Capital is the assets of the town and making sure you're replacing your infrastructure and equipment. The third piece is the FTMS and forecasting and I am a big proponent of national best practices. The best known program is the GFOA Distinguished Budget Award and is the highest award in budgeting. There are 15 mandatory criteria, 27 in total, that you have to meet in order to qualify for the award. These pieces are all components of achieving that level of award. It's not something you achieve once and then sit back. You have to reapply and make enhancements to the budgets every year. This means adding more context for the decisions that are being made. What brings the 3 legs together is strategic planning. You need to have long term strategic plans, master plans of development and Selectmen's goal and objectives that drive those 3 components.

Financial Condition is broadly defined as the ability of a town to maintain existing service levels, withstand local and regional economic disruptions and meet the demands of natural growth, decline, and change. The FTMS can help with the sustainability of the budget process and show how to measure it. There are four components of Financial Condition - cash solvency, budgetary solvency, long-run solvency and service-level solvency. If you aren't cash solvent you aren't able to pay your bills and headed into receivership. Budgetary solvency is looking at if there is a balanced budget. Long-run solvency is the ability to continue paying obligations in future fiscal periods, such as OPEB. Service-Level solvency is the town's ability to continue providing the level of services expected by its residents. If you are going to be in good financial conditions, you want to hit all these conditions. As a board member can you when pressed, prove that the town is being run well in objective and quantifiable ways.

The purpose of FTMS is to gain understanding of the Town's financial condition, identify hidden or emerging problems before they reach serious proportions, present a straightforward picture of strengths and weaknesses to Town Officials and citizens, reinforce the need for long-range considerations in the budget process and provide a starting place for reviewing and updating financial policies that guide decision-making. I know you have a Financial Summit, in Northborough we do it in December. We do it then because we've closed out the prior fiscal year, we've set the tax rate in November and that is the basis for us to plug in for analysis. This allows everyone to have information and come to agreement on decisions.

The objectives of the FTMS are so that you can predict, avert, mitigate and prevent. Predict; so that the Town can be prepared to deal with fiscal distress before it becomes fiscal crisis. Avert; and take action to avoid fiscal crisis. Mitigate; through corrective action and/or policy changes, regain sound financial footing, or at least contain the problem. Prevent; a recurrence of fiscal distress after the Town addresses the current issue or crisis (e.g., reliance on

one-time revenues or health insurance increases). Our free cash policy that we use to divert towards one time expenses like capital is the policy that has been emulate the most across other municipalities.

I use the ICMA manual entitled Evaluating Financial Condition, A Handbook for Local Government as my guide. If you look nationwide, this is the program that is used. This manual will give you the formula and process and where to find the data to do this type of analysis. On the front end it is a bit of work, but once the system is in place you are updating it on a periodic basis.

I want to make a distinction between fiscal distress and fiscal crisis. Fiscal Distress is temporary imbalance between the level of financial resources the Town has committed and its potential available resources. Fiscal Crisis occurs when the local government can no longer pay its bills or provide existing levels of service. Your job is to make sure that you're never in fiscal crisis. Fiscal distress will come periodically. I hadn't planned for a pandemic but I had planned for a recession. When the pandemic hit and we used that plan, cut the budget and it wasn't a surprise to the Board because I had been talking to them for 8 years about it. After the crisis we are able to go back to making OPEB payments and capital items.

When it comes to indicators in this program there are 42 potential indicators. Nobody does all 42, usually its 12-15 indicators. You need to look at what it is you need to know in your community. Then you can do a questionnaire and develop a list of questions that you want to know the answers to or issues you feel you should be tracking.

DK – Asked question about daily cash on hand and that is number that he and the Board would like to see.

JC – In the public sector versus the private sector, there are different measure that you can have, but our funding sources are more predictable than in the private sector. These are things you need to watch, not exactly daily cash on hand. Other things such as revenue and expenditure indicators, operating position indicators, personnel costs, pension and liability, debt, reserves and capital.

If the majority of your revenue is coming from property taxes and you see that the tax base goes up, then you are healthy and expanding. In the long term that is an indicator that you'll be in trouble. Another indicator is the ability to actually collect your taxes, this means your residents and businesses are both willing and able to pay their taxes. Revenues and expenditures per capita is another indicator. If you have revenue is higher than your expenditures that is your free cash. State Aid as an indicator can show you when recession happened and can show that it takes 4-5 years to get back to the State Aid levels and bounce back to where we were pre-recession. Other indicators that can be looked at that Northborough looked at are Economic Growth Revenues, One Time Revenues, Personnel Costs, Employee Benefits, Pension Liability, OPEB, Debt Service, Reserve Fund, Capital Investment overall fixed asset values and overall fixed asset values in constant dollars with depreciation, and Capital Investment-Pavement management.

Looking at the Executive Summary, I have one slide that I can see exactly where I stand with all my indicators. If State Aid goes down then I need to adjust and the same with economic growth. With all these indicators I can summarize that my tax base is strong, my reserves are good, debt is low, reliance on one time revenue is capped at 1%, and capital investments are good. You should have a 5 year forecast and make it as detailed or general as you want. When you meet for your Financial Summit you have 10 years history and then you can look forward for 5 years and see how to make decisions for the future. I've seen in municipalities that they aren't providing enough context.

Review of the five year projects and see what needs to be addressed in the next 5 years and for Northborough the pressure is on the tax bill. It's okay because we planned for it and will be able to maintain services. Review of the Causes of Financial Trouble including unsustainable collective bargaining, taking on too much debt, running operational deficits, failing to address unfunded liabilities, erosion of tax base or other revenue sources and, defaults on tax payments. The one commonality among the financial pitfalls identified is that they are more likely to occur

when decision-makers fail to track fiscal indicators, fail to adopt and adhere to financial policies, and fail to acknowledge and take timely action when presented with new or unpleasant information.

LG – That was really helpful and now I think want to move forward with this and have this plan.

Marie Almodovar – I have been researching this. I do want to start this in the next year and making the time to collect the data.

JC – I will be training the association of Town Finance Committee members in best practices and budgeting 101 in the fall. I'd be happy to have any of you attend that training. I would suggest having a point person, and you do, and giving her resources and help taking pieces to help.

LG – I would like to pick a date to start getting this done. I would also like to reconsider doing our Financial Summit later than October.

MA – I would look at the dates and overall budget process to push those things out.

JC – I agree, that some towns municipal budget processes happen to early. In December, you've closed out the prior fiscal year, you finalize the year that you're in and you've begun planning for the upcoming year. You want this for your departments go off and make their budgets. If you have a good Finance Committee and staff you can get this done. This is about organizing it in a way that you can more efficiently and effectively silence the nay-sayers and CAVE people so that you as policy makers feel comfortable when standing up at Town meeting and supporting projects. Use other people's budget and use what works for them in your budget.

LG – Thank you for coming on your own time.

7. 8:40pm 1-3 Turner Road: Discussion about proposed parking lot in a S1 District – Bill Buckley, Bay Colony Group, Mike Corey, Project Attorney and Applicants Mike Kennedy and Kelsey Cummings

BB – This is a special permit in the S1 Zone, which requires an informal discussion with the Board for any input to the Planning Board hearing on September 8. This property is located at 1-3 Turner Road, located at the intersection of Route 140 and Turner Road, next to Seasonal Specialties Store. We are before the Board to show a temporary gravel parking lot for Stadium events. The applicant would like to create a 54 space parking area for Stadium events. The spaces and aisle would be up to zoning requirements. One of the issues we have is safe access to Route 1. They have spoken to the owner of Seasonal, and he has given them access permission to go through is lot to Route 1, preventing them from walking on any street. That agreement with the abutter was in the filing with the Board. We will have to put in a porta-John as required per the Board of Health. There will be lighting installed as well for lighting during evening events.

LG – I couldn't follow all the players as there have been quite a few. Could you clarify?

MK – Ann Pittman was the previous owner, I am the current owner along with my wife.

LG – Similar to 2 Washington Street, we don't need to take a vote on this, but we give the Commercial Parking licenses so we have some more teeth in this one. I know you had started the work before this permit process and were served a cease and desist order. It is important that you play by the rules and get off on the right foot, as I'm sure you know now.

MK – I want to apologize on our behalf, as I didn't know I wasn't allowed to remove trees. Once I hired Bay Colony Group, they advised that I should stop all work.

LG – There is a Planning Board hearing and all the abutters have been notified.

BK – This will come back to you for a commercial parking permit. After a staff meeting, not one person can support this. It was done backwards from the start. From an access perspective it is not safe and goes against the traffic plan that the Kraft Group has implemented. It's not an acceptable use from a staff perspective. I strongly recommend you don't spend any additional funds on this property until you get your permits.

LG – We do look to the staff on their opinions on matters on this. We would look at this further with the parking license application if it gets to that point. The next step in the process is the most important with the Planning Board. Pine Street, that is similar, went through the ringer as well.

ME – I was shocked with what was going on there and questioned it. Coincidentally found out a few days later about this and understand it's your first property, but it was a big gaffe.

MK – I apologize again.

LG – We will be following this as it goes through the Planning Board.

BK – It may behoove you to develop that site different from a parking lot.

8. 8:50pm Assistant Town Manager's Update

8.1 New Hire Update - Part-Time Library Assistant and Part-Time Teen Services Librarian

Jeanne Carter, Part-Time Library Assistant; Jennifir Huston, Part-Time Teen Services Librarian

9. 9:00pm Town Manager's Update

9.1 Rodman Five Realty Trust Digital Billboard Agreement – This is a new billboard going up in front of Rodman. This still has to in front of the ZBA. The mitigation agreement will be \$12,500 per side and will provide up to 15 hours of community time for us to display.

LG – The 20 year agreement with no escalation seems like a long time.

BK – I did oppose that but you don't see any other agreements like this with that in there. The agreement has been provide and once approved the ZBA decision will be added to that agreement.

9.2 Power Forward Program Update – On September 1st, residents will receive information on the new program. People will be shocked hearing these numbers are going up. It seems to be going up 61% and will impact by \$40-\$50 a month. This has been a very successful program. I will say that program continues to be successful and that rates will be competitive with National Grid rates.

9.3 Level 3 Critical Drought Status information/update – We are still in a drought situatuiion and even with the rain we are getting, has not changed that status. We have plenty of water but are limited by the amount we can take out by Mass DEP.

9.4 Use of Town Property: Town Common - Stakes are High on 8/20/22, Foxborough Health Dept. hosting the following events: Family Dance Party 9/7, 9/14, 9/21 and 9/28 at 5:00pm, Family Boot camp on 9/10, 9/24, 10/8 and 10/22 at 9:00am and Jaycees Fall Vendor Fair on 10/15 at 9:00am. Lane Property - Tai Chi on 9/17, 10/1, 10/15, and 10/29 at 9:00am.

9.5 Donations - Taylor Ford Photos, Thank you for his donation of photos, it adds a nice pop of color to the room.

10. 9:10pm - Selectmen's Update

10.1 New Business - Fall Special Town Meeting - November 14

BK – We've been talking about what date for Special Town Meeting. November 14 doesn't work and are still working on a new date.

LG – We could go into December but I wasn't sure we wanted to push that far.

BK – I need to confirm with the Town Moderator on the date. We may be looking at something for the DPW building for a bond issue at this Special Town Meeting.

10.2 Old Business - Search Consultant Briefing – LG – We were going to do August 23rd but that didn't work so we will be doing August 22nd at the library in person, with no ability to Zoom in. It will be televised on Cable Access. It was a bit different than what we thought. It ended up being the lowest bidder. This meeting will be giving us a timeline and next steps.

LG – We've had a lot of economic growth and had 3 ribbon cuttings in the last 4 days for new businesses in town. We did Squadron 21ers Cornhole, Ritual Vibes Yoga right next to them and the Boulevard Barbershop in Forbes Crossing. We did have a ceremony on the Common to honor Schneider Electric and their contribution to upgrade the lighting on the Common.

11. Action Items

11.1 Extended Hours Request to serve alcohol at 10:00am on Sundays from 9/25/22 - 1/1/23 for Davio's, Skipjack's, and Six String Grill & Stage

Motion to approve the Extended Hours Request to serve alcohol at 10:00am on Sundays from 9/25/22 - 1/1/23 for Davio's, Skipjack's, and Six String Grill & Stage by D. Keefe, 2nd by M. Elfman.

LG – These are different from the ones we've seen they are not for Patriots games, these are for brunch to start earlier on every Sundays.

Approved, 4-0.

11.2 Extended Hours Request to begin serving at 10:00am on 9/25, 10/9, 11/6, 11/20, 1/1/23 for Scorpion Bar, CBS Sporting Club, Citizen Crust, Renaissance Hotel at Patriot Place, Saga Hibachi Steakhouse and Sushi Bar, and Splitsville

Motion to approve the extended hours request for Scorpion Bar, CBS Sporting Club, Citizen Crust, Renaissance Hotel at Patriot Place, Saga Hibachi Steakhouse and Sushi Bar, and Splitsville to begin serving at 10:00am on September 25, October 10, November 6 and 20 and January 1, 2023 by D. Keefe, 2nd by M. Elfman. Approved, 4-0.

11.3 Knights of Columbus - Use of Public Way Application for Annual Tootsie Roll Drive on 10/1

Motion to approve the Knights of Columbus Use of Public Way Application for the Annual Tootsie Roll Drive on October 1st from 8:00am to 1:00pm on the corners of the Common by D. Keefe, 2nd by M. Elfman. Approved, 4-0.

11.4 Foxborough Cultural Council - Approve Cultural Council Appointments

Motion to approve Tiffany Elliot, Teddy Jouret, Catherin Connor Moen, Richard Benoit, Lidy Chan, Neetu Kumari as the new members of the Foxborough Cultural Council for a term to end May 31, 2025 and for all previously appointed members to terms dates to be June 1 - May 31 by D. Keefe, 2nd by M. Elfman.

LG – If you remember, this was one committee that had term dates all over the place, so we are fixing that.

Approved, 4-0.

11.5 Town Clerk - Approval of State Primary Election Warrant

Motion to approve the State Primary Election Warrant by D. Keefe, 2nd by M. Elfman. Approved, 4-0.

11.6 COA/HS - Accept a \$1,067.14 donation from FISH of Foxborough

Motion to accept a \$1,067.14 donation for the Council on Aging to use for transportation by FISH of Foxborough by D. Keefe, 2nd by M. Elfman. Approved, 4-0.

11.7 BOS - Approval of BOS Minutes from 6/7/22 meeting

Motion to approve the June 7, 2022 Board of Selectmen Meeting Minutes by D. Keefe, 2nd by M. Elfman. Approved, 4-0.

12. Adjourn – 9:37pm

Motion to adjourn by D. Keefe, 2nd by M. Elfman. Approved, 4-0.