

Tuesday, October 25, 2022
Board of Selectmen Meeting Minutes
Gala Room, Town Hall
7:00 p.m.

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

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 – Kathy Vandeenboom, 109 Morse Street – Regarding the 119 Morse Street project

Kathy Vandeenboom spoke regarding the 119 Morse Street project and had issues with the process from the beginning. Specifically, the limited information on the project from the beginning. When the project was brought to the Select Board's attention you were advised that the details would be handled at the ZBA level and the Board signing the application was not approving the project but indicating to the state that Foxborough has a need for this type of housing. The Citizens' Housing and Planning Association (CHAPA) held a webinar recently that outline best practices for 40B applications, including a municipal impact analysis by the developer, community outreach and asking the Select Board for a wish list. The developer should expect to be in front of the Board for four to six months. Franklin has a 40B process that has 5 areas of review before it even gets to the Select Board. Planning Board member Gary Whitehouse questioned this process and asked why the Board could not negotiate some of this with the applicant and expressed concern that the Board would have no knowledge as they made their decision.

It appears that safety is not a concern of the applicant. Mr. Saegh has not attended hearings and I feel there is a lack of investment in the property with a worry that he might sell the property once permitted. If that were to happen the concern is that there would be an undesirable buyer as well. There are concerns about the project be safe as well. The Select Board said that they were not commenting on if the site is contaminated but voting to go to the state so the ZBA can go through their process. Questions 10 and 11 on the application were left blank in regards to determining if there is contamination on the site.

I believe Environmental Partners is concerned about this process. I also believe that the consultant was biased in testing the site and the traffic report was also concerning. Mansfield is planning for an egress that will increase traffic on that street and that was not included. In summary, I ask that you require testing to be done as you set forth in the conditions and step up to the plate. EP determined this area is concerning enough to require testing to make sure the site is safe as independent professionals. I believe that decisions shouldn't be made with blinders on. The Board should still be able to have input on the process and not let it happen at the ZBA level. You are the reason this is at the ZBA, you appoint the ZBA and we elect you to serve our best interests. You have a responsibility to stay involved in the oversight. You should inform the applicant to tell him your support is contingent on allowing EP to monitor the testing as it occurs.

LG – Thank you for your comments, please send your letter and any additional information to Christina and she will send it to the Board to review all the information you spoke to as we are hearing it for the first time. We will take a look at it and see what the right next step is.

SM - I voted against this project and I hope that we take a look at the issues that Mrs. Vandeenboom has brought and make sure that we get this right.

2. 7:05pm One Day Beer & Wine License - Tapped Beer Truck, Erik Auerbach - Review and vote on One Day Beer & Wine License for Tapped Beer Truck for a Normandy Farms event on 10/26, 4:00pm-7:00pm

EA – Normandy Farms is having a celebration for the completion of their new pavilion. Our group runs their Campers kitchen in the summer and will be serving food along with having our Tapped Beer Truck there as well for 40-50 people with beer and wine from 4pm -7pm. Our servers are TIPS certified and will be checking IDs. It's a ceremonial celebration for the Normandy Farms team.

Motion to approve a One Day Beer & Wine License for Tapped Beer Truck for a Normandy Farms event on 10/26, 4:00pm-7:00pm by D. Keefe 2nd by M. Elfman. Approved, 5-0.

3. 7:10pm Charity Wine License Application - Joe Andruzzi Foundation, Gillian O'Brien - Review and vote on a Charity Wine License for the Joe Andruzzi Foundation event Gillette Stadium on 11/3

GO- We are hosting our 15th Annual Gala at Gillette Stadium. Our liquor vendor is requiring us to have this license for our event. The Gillette Stadium staff who is TIPS certified, will be serving the wine. The wine is being donated which is why this Charity Wine license is being required.

Motion to approve a Charity Wine License for the Joe Andruzzi Foundation event Gillette Stadium on November 3, 2022 by D. Keefe 2nd by M. Elfman. Approved, 5-0.

4. 7:15pm Audit Committee Update - Audit Committee Chair Larry Ooi to review the FY21 Audit report along with Bernard Dumont, Paul Ivanovskis

LO – I'm here to report on the FY21 Audit results as required by the Town bylaws. We met with the Town Auditor on October 11 to review the audit in detail. I have provided the Audit report to the Board. It is a clean report, an unmodified report with a limited scope audit. The bylaws require the Audit Committee to submit a report to the Town for the Annual report and will be doing so. Under the bylaws the AC can recommend the selection of the Auditor and scope of the audit and will be doing so before the start of the fiscal year 2023 audit. There are a few minor recommendations that I will have George Samia discuss.

GS – Along with the audit as well as Standard & Poors, has been cyberattack concerns. We brought in IT Director Aaron Hyre come in and explain the firewalls that protect the town. In addition to that, we have a \$1 million insurance policy in case we have a data breach or other cyberattack.

BK – Foxborough has been identified as a community that has taken progressive steps to deal with this particular issue. The insurance market has been difficult to acquire coverage. MIIA has been looking at ways to address this. I had the privilege in meeting the White House Director of Cyber Security. One thing you can do is provide robust protections in cybersecurity measures, which we do thanks to our IT team.

GS – Most of the people on the Audit Committee have been on the Advisory Committee and Aaron will come in with a list of security measures to keep the system we have robust.

LO - I know we are starting the budget process and to have a bigger scope of an audit and would suggest that we budget for that audit cost for FY24. It's good to do every 5 years or so.

BK – I think that coming up in the next year there will be changes in the Administration in the upcoming year/in FY24. I would recommend to wait another year and do a detailed audit.

LO – I think when there are changes, this is when things can break down.

PI – When does the audit happen?

GS – It usually begins in the fall with the initial testing.

PI – In my job, having taken over a department, I used an internal audit to look at it and get background.

BK – I think that could be a lot for new town manager to take on within his first year and to think about the timing of it and make sure they are comfortable with the systems.

LO – I understand but Marie is the accounting officer that office is relatively stable.

DK – It was a good clean audit but it was limited in scope and there could be underlying areas. I think because it's been so long since it was done, that it should be done.

GS – I would consult with Marie on if it would be a burden doing this during a transitory state of our office.

BD – Would someone benefit from the weakness identified from a more detailed audit? I would like to know ahead of time what I'm coming into to the position and finding out after if there are issues.

LG – I would have you make a recommendation as to what you want to see for the scope of the audit and then we can make a recommendation.

SF – This is an internal control review?

LO – Yes, right now is a limited scope. We will convene a meeting before FY23 to make a recommendation.

GS – FY22 Audit should be back in the spring.

SF – What does the selection of the audit firm entail?

LO – We've been using the same firm for a long time. If there is an interest, we would make a request to do an RFP to see who is available to perform our audit.

GS – There about six to seven auditors that I'm familiar with and do municipal audits.

DK – It's not an issue of quality, it's about familiarity when you have people working together for a long time, they might be hesitant to call each other out if there is a mistake or issue.

LO – It's a best practice to change it up every few years.

**Motion to accept the Audit Committee Report on the FY21 Audit by D. Keefe 2nd by M. Elfman.
Approved, 5-0.**

5. 7:25pm Spanish American War Veterans presentation - Jack Authelet and Mark Ferencik to present Foxborough Spanish American War Veterans and replacements for Town Square Markers

JA – Currently we only have one acknowledgement of the Spanish American War tribute in Foxborough and that is the memorial to William Chisholm done by Eagle Scout Sean Kelly. After months of research, support of the Historical Commission and Town Clerk, the following names constitute our list of Spanish-American War veterans; Charles Everdean, Fred W. Fletcher, George Hearn, Thomas J. Kelly, Joseph Kirby, Charles A. Krebs, Dr. Frank C. Lillyman, and Roy T. Wells.

Foxborough residents serving in the Navy (3) and Coast Guard (1) who were inducted into the Spanish American War when it was declared.

Charles Everdean -Anxious to join the Navy, Charles heard they were accepting recruits on the USS Wabash in Boston Harbor and he enlisted. Charles was only 16, but showed exceptional promise and was accepted Sept. 21, 1898 as an apprentice. Soon, he was transferred to the USS Constellation, the last sail-only warship designed and built by the U. S. Navy in 1854, which was also welcoming recruits in Baltimore, Maryland for the Spanish American War. But the enlistment of Charles was conditional. Born in Foxborough Nov. 18, 1881, he was a minor until Nov. 17, 1902. His discharge was ordered March 6, 1899 by the Bureau of Navigation.

Fred W. Fletcher - A Foxborough native, Fred had been at sea with the Navy for five years as tension grew in the shipping lanes. A major assignment was aboard the USS Wabash, the highest rated style of wooden Naval vessels which later provided armor and propulsion and played a major role in Naval assignments. When the Spanish American War broke out, Fred was assigned to the Southerly and was soon patrolling the Atlantic coast from Boston to Jamaica to keep enemy ships out of coastal waters and protect the Naval mission. As the war ended, he reenlisted and retired in 1917.

George Hearn - His home remained Foxborough as George enlisted in the Navy as an electrician, drawn to distant places around the globe where an American presence was helpful aboard the warship Gibraltar. When the Cuban crisis and Philippine insurrection erupted, the Navy reassigned his unit to the Spanish American War. He was later transferred to the cruiser Buffalo, built in Newport and acquired by the Brazilian Government. At the outbreak of the conflict, it was purchased by the U. S. Navy as part of the North Atlantic Squadron protecting the coast. George then boarded a series of other craft, performing maintenance at sea. His final transfer was to Charleston Navy Yard. Final discharge papers brought him home to stay.

Thomas J. Kelly - Thomas was serving on the Dispatch boat Calumet, built in Buffalo, N.Y. to serve the Coast Guard. As conditions grew tense, the ship was reassigned to the Spanish American War. Thomas was involved in ship-to-ship contact or ship-to-shore dispatches of information, sharing data, and helping fleet commanders maintain a state of readiness. Bringing medical personnel to the scene or emergency supplies were also key functions which remained critical throughout the war.

Five Foxborough residents (listed below) enlisted in the Spanish American War once the call went out seeking 250,000 volunteers. States and municipalities were not given quotas to fill. The government stipulated it would be a volunteer military endeavor.

Joseph Kirby - Heading to Boston with hopes of going to sea, Joseph enlisted in the Coast Guard on the deck of the cutter Dallas, a Welcome ship in 1898. He was transferred to the Gersham, a revenue cutter built in Cleveland, Ohio, to patrol Lake Michigan and adjacent waters. At the outbreak of the Spanish American war, it was moved to Boston to perform patrol duty on North Atlantic coastal waters to protect allied shipping from German U-boats trying to disrupt the American military. He then returned to the Dallas where his service ended.

Charles A. Krebs - The First Mass Light Infantry drew Charles into the Spanish American War, and he enlisted at Fort Warren, activated for the Spanish American War to protect the Naval mission in the harbor and on adjacent land. He relived the pride of that service and honored those who made the Supreme Sacrifice each year as he marched in the Foxborough Memorial Day Parade.

Fred Meekins - A proud resident of Foxborough, the details of Fred's service are still being gathered. Service became generational in their family and his son Richard reached the rank of Major in World War II.

Dr. Frank G. Lillyman - Holding the title of Inspector of Meats and Provisions here in his home town, Frank made a long-term commitment to serve in 1896. But the government needed him when the Spanish American War broke out. He volunteered, served overseas to keep the food chain healthy, and planned the grandest homecoming for his family never seen before or since.

Roy T. Wells - A Foxborough student attending college in Boston, when news of the war broke out. Roy and several students went over to Fort Warren to volunteer. Co. D, First Regt. Mass. Volunteers welcomed them for a two-year commitment. Fort Warren had been reopened during the Spanish American conflict, protecting Naval forces afloat and ashore as they laid mines in the harbor to deter enemy encroachment. They served with pride.

MF – We'd ask that you approve these names to go on a plaque at memorial hall and we would like a proclamation to be read a Veteran's day, if possible.

JA – During this time, people in Foxborough were concerned about the people in Cuba and how they were being treated by the Spanish. Out of concern they were raising funds, collecting food and clothing and helping any way they could. When the ship Maine was sunk in the Cuban harbor, Foxborough residents were so concerned, they had a service in the Baptist church for those service men on that ship. The town also had a celebration when Commander Dewey went into Manila Harbor and won that battle. As trains carrying soldiers passed through Foxborough, hundreds of residents lined the track to salute and support those soldiers with all the noise they could make.

I would like to give credit to those who helped with this research. In helping Sean Kelly with his Eagle Scout project and realized that we had no records of Foxborough Spanish American War Veterans. Bob Cutler was helpful in finding information from all kinds of records. Emelie Bonin searched the Town archives and flagged any names that were referenced in the war. Mark Ferencik search all the cemeteries records and burials of all the veterans. Veterans' Services Officer Ally Rodriguez wanted to help with her archives and was able to give a name of an archivist in Boston the search and had 3 names we didn't have on our list. Deepest appreciation is extended to

Keith Vezeau, Military Archivist for the Massachusetts Military Division, Adjutant General's Office. Assigned to Massachusetts Archives, Keith provided access to all State, County and National Archives, verifying data we had collected on Foxborough enlistees and adding more to our list from other sources. All the records we have will also be in the story at Memorial Hall along with the plaque.

MF – There are 29 markers around town that honor Foxborough Veterans from World War I to the as a reaffirmation of our promise that we would never forget them and what they did for their country. The first one was erected in 1923. Johnny Gaetani had been painting and maintaining these signs but has been unable to keep with those efforts due to weather and other issues. We found signs in Milford that we liked and had our vendor give us a mockup of the new one that we would like to replace the old ones with. Ally Rodriguez approves the plan. It would cost about \$6,000 and would solicit donations to fund the signs.

Motion to accept report on Foxborough Spanish American Veterans from Town Historian Jack Authelet and approve the marker recognizing Foxborough Spanish American War Veterans for Memorial Hall by D. Keefe 2nd by M. Elfman. Approved, 5-0.

Motion to approve the installation of 29 new town markers for existing town squares by D. Keefe 2nd by M. Elfman. Approved, 5-0.

ME - I've read both your books and they are great reads and I've since passed them on to others to read.

DK – This is a phenomenal thing you've done for these 11 veterans and their families and giving them recognition.

6. 7:40pm Special Town Meeting Update - Discussion and vote to move Special Town Meeting to 1/9/2023

LG – The meeting date for January 9th does not work so we can either not have a meeting or we can have it a little bit later. I've asked Bill to go over it and why we pushed it to January in the first place.

BK - We weren't able to do Town Meeting in November and made it difficult to have STM in November. We pushed it to later in December to avoid the Thanksgiving holiday. We had to move the December 5th meeting but was told that we wouldn't be able to set the tax rate until afterwards and would put a burden on our Assessor and Finance office. The January date was not available. We could do January 30th, February 13th or February 27th. We have several articles that could wait and we also have a petitioned article that would like to move forward. If we have this meeting now we could make Annual Town Meeting process easier on the new Town Manager. We could also do it at Town Meeting within it as a Special and could complicate.

LG – I'm leaning toward having the meeting as soon as possible, but I am concerned we won't get people to meet a quorum.

SM – I would go toward having one meeting in the spring.

Robert Burr - representing American Outdoor Advertising and the Brown family of Springbrook Road. I understand why it's being pushed out. I do have client that is interested because we thought Special Town Meeting was going to occur. We did make the sign by-law more restrictive, 1,000 feet, instead of 300 feet and 1,500 feet between billboard instead of 1,000 feet which is the state regulation.

LG – We did support this last town meeting but it wasn't passed. This would not be Board of Selectmen bringing it forward now, it will be a Citizen's Petition.

SM – Would this mean that the petitioners would need to get a new set of signatures? [No]

ME – Could we have a snow date scheduled?

BK – You could have January 30th and then have February 13th as a backup.

ME – I think we should do that and get a meeting in the winter.

BK – Bob had no concern with other dates, just concerned with November dates because of the election.

DK – I'm in favor of the January 30th date with a fall back date of February 13th.

SF – Is there any risk of putting these off?

LG – I was concerned with the renaming of the Board but it would mean that the Zoning would have to repost a \$200 ad.

Motion to move the Special Town Meeting from December 5th to January 30, 2023 with a backup date of February 13, 2023 by D. Keefe 2nd by M. Elfman. Approved, 5-0.

7. 7:50pm Assistant Town Manager's Update

7.1 Recruitment and New Hire update – We have two recruitments going, the HR Director that closes November 9th and a part time van driver which will be posted until November.

7.2 Assistant Town Manager last meeting and transition info – We will have a month in between my departure and the new HR Director being hired. We have the HR duties managed and also have a turnover binder for the new HR Director.

Selectmen Mark Elfman presented Michael Johns with a citation for his service to the Town for the past twelve years as this is his last meeting before leaving for his new Town Administrator position in Boxborough.

BK – I want to say on behalf of the town staff and department heads in both his capacities, his services will be missed by all those in the Town. He is a Foxborough guy through and through. He has given his knowledge, skills and passion to the community. I've learned a lot from him being from this Town. I'm thankful for him and wish him the very best.

MJ – It's been my privilege and honor to serve the wonderful people of Foxborough.

8. 8:00pm Town Manager's Update

8.1 General updates on Town business and operations – I met Atty. General Maura Healy at SEMRECC yesterday and it was her first visit to SEMRECC and great opportunity for her to see what we provide the community.

Holiday banners will go up on the Town Common on November 1st with the help of the DPW.

The Financial Summit is planned for December 6th from 6:00pm to 7:30pm with a short Select Board meeting to follow.

LG – Do you have a plan for the second person in command and help with the Assistant Town Manager duties?

BK – I am working on that and planned all my time off on that.

9. 8:10pm - Selectmen's Update

9.1 New Business - HR Director Hiring process rep from Select Board – The Board will have Leah be in the final interviews for the HR Director position.

9.2 New Business - Financial Summit, 12/6, 6:00pm - 7:30pm, Covid booster and Flu Clinic at Public Safety, 10/28, 12:30 - 3:30pm

9.3 Old Business - Halloween Parade, Oct 29th, 2:30p-4:00p; Early voting and State Election on November 8

ME – I'm on the Neponset River Reservoir Committee and it's been closed as it was deemed a hazardous site by the DEP. Rich Lewis sent a letter to the DEP to open it back up. There has been some issue with the Reservoir and has struck a concern with the citizens around that lake. He wanted to give the Board a heads up that he would be reopening it.

LG – We had a last minute addition of Achilito's to have a One Day Beer and Wine License for Achilito's Taqueria on November 6th from 10:00am – 10:00pm.

Motion to approve a One Day Beer and Wine License for Achilito's Taqueria for November 6 from 10:00am to 10:00pm by D. Keefe 2nd by M. Elfman. Approved, 5-0.

SM – Thoughts and prayers to the family of retired Michael Whelan who suddenly passed away recently.

10. Action Items

10.1 BOS - Review and possible vote on updated Cellular Phone Policy

LG – The Personnel Board had approved it and there was just some additional feedback added.

Motion to approve updated Cellular Phone Policy dependent upon recommendation from Personnel Board by D. Keefe 2nd by M. Elfman.

SF – Did the department heads review this?

BK – They will be a part of the process with the Personnel Board.

MJ – Were there any department head concerns with it?

SF – The dollar amount was a concern.

BK – If you are given the option of getting a phone or getting a stipend is because it's assumed you would not use your phone the entire time on town business. Departments heads who get the phones are the ones who are on call 24/7.

DK – If someone has a stipend and the phone needs to be replaced it would be at the owner's expense.

SF – It still says that employees who are issued a cell phone still need to carry two cell phones.

BK – If you are person who is not 24/7 and wants to use a Town phone, they would have to carry two.

LG – There are exceptions.

SF – It says it's not issued for the purpose of replacing a person's individual cell phone. If I was issued a phone, I wouldn't

BK – Only the persons with exemptions can use it for both personal and work.

LG – This will come back from the Personnel Board if there is an issue.

Approved, 5-0.

10.2 Squadron 21ers - Approve a One-Day Beer & Wine License for November 5th

Motion to approve a One-Day Beer & Wine License for November 5th for Squadron 21ers by D. Keefe 2nd by M. Elfman.

LG – We should remind them that they can only do 30 of these in a calendar year and to make sure they know the beer has to be on premise for only one day.

Approved, 5-0.

10.3 BOS - Approve of BOS Minutes from 9/27/22 and 10/11/22 meeting

Motion to approve the September 27, 2022 Board of Selectmen Meeting Minutes by D. Keefe 2nd by M. Elfman. Approved, 5-0.

Motion to approve the October 11, 2022 Board of Selectmen Meeting Minutes by D. Keefe 2nd by M. Elfman. Approved, 5-0.

11. Adjourn – 9:00pm

Motion to adjourn by D. Keefe 2nd by M. Elfman. Approved, 5-0.