

Tuesday, November 8, 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*

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

1. 7:00pm - Citizen's Input – Johnny Gaetani – Thank you Jack Authelet and Mark Ferencik for proceeding with the new town square signs. I would also like to recognize Carl Kush and we started this back in the early 2000s. I want to thank the Selectmen for giving permission and the new memorial square signs are outstanding. I want to thank Bill and Mike for giving me what you did on Memorial Day back in '14 and '15. I also want to thank Ally for all she's done.

2. 7:05pm Veteran's Day Update and VSAC appointment

2.1 Veteran Services Director Ally Rodriguez to update Select Board on Veteran's Day Event

AR – The Veterans Day event this Friday will have the American Bombshells who are modeled after the Andrews Sister and do boogie-woogie-bugle-boy type of music. We have also have Silver Star Recipient Jonathan Hill. Jake Tapper wrote a book about the Battle of Kamdesh, called the Outpost, which was turned into a movie and our keynote speaker lived it. Out of the battle were two Medals of Honor recipients and Jonathan received the Silver Star. There were about 400 insurgents infiltrated the outpost and it's an incredible story. After the program we'll have food catered by Roche brothers.

2.2 Appointment of Douglas Sylvestre to Veteran Services Advisory Committee for a term to end 5/31/2024

AR – He is an Army Veteran who wanted to join the VSAC and looking forward to having him on the VSAC.

DK – His resume is outstanding and great to have someone of his quality join the group.

Motion to appoint Douglas Sylvestre to the Veteran Services Advisory Committee for a term to end May 31st, 2024 by D. Keefe 2nd by S. McGowan. Roll call vote: DK – Yes, LG – Yes, SM – Yes, ME – Yes. Approved, 4-0.

3. 7:10pm Use of Public Way Application - Foxboro Rec - Light Uptown Event

MC – We are in event season for Human Services. Light Uptown this year will have a lot new. At last Town Meeting, voters passed funding for a complete decoration of the Town Common. We are using Red Nose lighting. We have 10 tree trunk lit, the main tree is going to be very bright. We are expanding the overall event. Red Nose is also decorating a few businesses around the Uptown Area. The event is November 26th with the following events: Boyden Library is doing a holiday drop-in craft from 10am- 4pm, a holiday ornament craft from 4pm- 5pm with a story on the Common at 5:15pm. New this year is Bethany Chapel will be participating with Christmas carols from 4pm – 5pm and a jingle bell craft at 5:15pm and when the tree is lights turn on they will ring their bells as well. The Grace Chapel will be emceeing the event and the also sponsor a lot of the activities around the Common including the Elite Dance Center. The Jaycees are decorating the manger from 9am – 12pm. They will be responsible for Santa coming down with Fire Department and there is a post Santa's Workshop meet and greet at Barrow's Insurance. As we started planning the event and know in the future it will be tremendous event and what can we do this year to make it a little bit better. We discussed it with some of the businesses and they had suggested shutting down the street Central Street, similar to the car show that had happened this summer. We are going to have

vendors on Central Street, cards for veterans, a photo backdrop, Pat Patriot and Cheerleaders, snow in front of Foxboro House of Pizza and a Sl-hay-gh ride provided by AJT Supplies up and down Central Street. There will be a small craft fair at the Senior Center in the morning from 9am- 1pm and will have Victorian Carolers in front of the library and on Central Street starting at 4pm. We are expanding and building for the future. If there are any business who want to join the event please contact me or Renee. We are working on publicity right now and the Lighting will be at 6:00pm.

LG – There is a ton of parking at the Schneider Lot as well for that event.

3.1 Approve Use of Public Way Application for 11/25, from 4:00pm - 6:00pm for Light Uptown Event

Motion to approve the Use of Public Way Application for November 26, from 4:00pm - 6:00pm for Light Uptown event sponsored by Foxboro Recreation by D. Keefe 2nd by S. McGowan.

Roll call vote: DK – Yes, LG – Yes, SM – Yes, ME – Yes. Approved, 4-0.

4. 7:15pm Police Department - Accreditation Announcement - Chief Grace, Deputy Chief Noonan to present Accreditation by the Massachusetts Police Accreditation Commission along with Dept. Administrator Lee McCarthy, Sgt. Lucas Drayton and Sgt. Adam Byrnes - POSTPONED

5. 7:25pm Tax Classification Hearing -Chief Assessor Thom Welch to present the proposed tax rate and exemptions for Foxborough FY23

TW - The purpose of the tax classification hearing is to set the minimum residential factor for the town which will determine the shift of tax burden between the residential and commercial classes (CIP). This is also known as setting the split rate for the town or the “shift”. The Board will vote on the following options: Open Space Discount, Residential Exemption, Small Commercial Exemption and Minimum Residential Factor (shift).

Open Space Discount– This would allow up to a 25% shift of assessed value. This is not recommended as this program is already addressed with the Chapter Land Program. Shifts up to 25% of value to residential class increasing the tax rate on residential class. (1 municipality in the state currently has this option)

Residential exemption - This can shift up to 20% shift of average assessed value. This shifts the tax burden between different values, between lower priced homes to higher priced homes. Application of this option is in major cities and cape towns with seasonal properties (15 of 351 municipalities have this option).

Small commercial exemption – Up to 10% of assessed value can be shifted. This requires extensive analysis on business operations (less than \$1,000,000 value and less than 10 employees) for small business and would not help those leasing a business space as the exemption goes to the property owner. Also, the other commercial and industrial class would have an increase in tax burden. (14 of 351 municipalities have this option).

These options have not been implemented and the Board of Assessors does not recommend these options.

DK – Do any contiguous towns have the options?

TW – Not nearby, those are more on the Cape.

As far as the classification of the property, Foxborough is a residential town and it is increasing. We are 80% residential and 20% commercial. The assessed value by classification is increasing with the exception of personal property which went down because of depreciation.

Tax levy is the amount a community raises through property tax. Tax levy is taking last year’s levy and adding 2.5% per M.G.L. plus new growth. The proposed levy for this year is \$58,088,614, a 3.8% increase from last year, the same percent increase as the previous year.

This year is an interim valuation year between our 5 year full revaluation which will occur in 2025. Sales are reviewed and market adjustments were made to reflect fair value. The median increase for residential sales were 15% this year, more than double last year at 7%.

The office is currently reviewing all past permit and inspection data to verify that full and fair cash value is represented on all properties. Old data is being updated with the latest inspection and permit data to be as up to date as possible. Our inspection program was analyzed and will be up to date by certification year of FY2025.

DK – That 15% increase in valuation, does it get passed along this year or next?

TW – We look at all sales of the town to generate that percent increase, every neighborhood is different.

LG – Is the 15% sales volume or the value of the home?

TW – That is the median increase from the sales of homes. We are seeing a slowdown in the market as interest rates go up. In this five year snap shot, you can see the residential average values from FY18-FY23 the average value in town has gone up 25% in 5 years which is significant. This has increased and residents have higher equity with their homes and this means paying more taxes on the home as the value goes up. We had we now have 29 Wall Street with 50 units and a store front that will give a boost. Residential construction is on trend from last fiscal year. Looking at other towns, our tax bills are fairly reasonable compared to other towns.

SM – Is that because both those towns have very little business?

TW – Neither of those towns do not shift the tax rate. Our residential tax rate compared to surrounding towns puts us on the lower end of residential tax rates. We are on the higher end for commercial tax rates. You can look at the DLS website to compare surrounding towns.

The proposal is to maintain the shift of 1.22 which is an increase in taxes or about \$395 on the average house. With all the equity gains that a single family home has received, this is not a huge increase for the residential compared to all the equity received.. Commercial increase would be flat because their value is flat and are not increase at the same rate as the residential.

GS – There is an inverse relationship, my house value went up and that brings the tax rate down. There is a misconception that my house dropped in value but how did my taxes increase. It is based on the value of each individual house.

LG – The rate has been going down as the home values go up. The rate has gone down but the values have gone up which is why the tax bill increases.

TW – The next slide shows the shift of the surrounding communities, Walpole may be shifting a bit more than usual because of a debt exclusion for a school. Based on an overall value increase of 7.7% for residential and only 1.8% for commercial BOA recommends maintaining the 1.22 shift as most equitable at this time. The Board of Assessors recommends to maintain a MRF of .9435 (1.22 SHIFT) and to decline the other additional split options. The new tax rate will be \$14.21, a .31 cent decrease for residential and \$18.37, a .47 cent decrease for commercial, individual and personal property. The LA-5 excess capacity for the year is \$40,799, similar to previous years.

A minimum residential factor of 1.0 will create a single rate of \$15.06, and increase the average residential tax bill by \$865 and decrease the average commercial tax bill by \$7,430. The first year of the split rate was 2012.

DK – I think the way it gets presented to the town is important, because the tax rate is going down but the tax bill is going up. You need to position that in a way that people understand it because it is not intuitively obvious to a lot of people.

BK – There is also an inverse relationship that affects the budget. We haven't increased above 3% in our budget over the last 3 years. The increase is driven by the market value.

SM – Your property value going up is only a benefit if you are selling your home

DK – You can tap into that increased equity to take out a loan or something similar.

GS – There is a value even if you don't sell it.

Motion to close the public hearing by D. Keefe 2nd by S. McGowan. Roll call vote: DK – Yes, LG – Yes, SM – Yes, ME – Yes. Approved, 4-0.

Motion to continue with the split tax rate and adopt a Residential Factor of 0.9435 by D. Keefe 2nd by S. McGowan. Roll call vote: DK – Yes, LG – Yes, SM – Yes, ME – Yes. Approved, 4-0.

Motion to vote No on Residential Exemption by D. Keefe 2nd by S. McGowan. Roll call vote: DK – Yes, LG – Yes, SM – Yes, ME – Yes. Approved, 4-0.

Motion to vote No on the Small Commercial Exemption by D. Keefe 2nd by S. McGowan. Roll call vote: DK – Yes, LG – Yes, SM – Yes, ME – Yes. Approved, 4-0.

Motion to vote No on the Open Space Discount by D. Keefe 2nd by S. McGowan. Roll call vote: DK – Yes, LG – Yes, SM – Yes, ME – Yes. Approved, 4-0.

6. 7:45pm Finance Department Update - Finance Department update on FY24 budget process & transition process and FY22 Audit Status discussion

LG – We are going to review but on a high level and save the detailed presentation for the Financial Summit on December 6th, and then move to discussing the audit.

GS - We have the 3 departments here tonight, Accounting, Treasurer/Collector, and Assessor's Departments. Each of these have statutory requirements. One is investing monies, the other is collecting the monies. I will be leaving in June 30th which may be news to some people. Several years ago we took the Town Accountant position and made it the Assistant Finance director as well. This has provided her the opportunity to take MPA courses and prepare for a possible promotion the Finance Director. I believe she should be, but would not presume to tell the current or next town manager, that she must be. If promoted, we would need to begin a search for a Town Account/Assistant Finance Director in April of next year.

TW – In addition to the tax classification hearing we have several other projects going on. We revised the town wide valuation and those changes were approved early with the DOR. We have a new GIS mapping system and we are integrating that with our assessing software. We are doing inspections to verify the valuation process.

MA – The succession plan is in the works and will ultimately be up to the Selectmen to appoint the new Finance Director. We closed out FY22 and our Free Cash was certified at \$5,223,577. It was \$3.9 million last year. There was 1.4 million in unspent budget which was the reason for the increase. The revenue increase was for the concerts at the end of the year and also permits for the stadium construction.

The audit was clean, the FY22 is in progress. The Audit Committee would like to see various tests done. We would be happy to meet to see what tests are done. The look at invoices, receipts, issued checks, purchase orders, contracts, grants, reconciliations, bank statements, encumbrances, fixed assets, and a copy of our entire ledger. They also review with a magnifying glass our expenses from July through September with a magnifying glass to make sure all transactions are paid in the proper fiscal year.

GS – Larry Ooi did send me items he would like to go over. He asked about the meals and hotels and motels tax. That is a direct wire transfer from the State. The State does all the calculations and we get those revenues on a quarterly basis. Another ask, can we get all the calculations from the State, they said no. Another ask was about signatures on various items. When a department makes a purchase it is reviewed by the administrator, department head, our Cathy, Marie, myself and Bill. Each one of the vouchers are tested on a random basis, and does it meet the spending requirement. They ask if you do an RFP or bid with large contracts. Another question was about the Stadium and our auditors checked that as well. When talking about grants, if you get a certain amount of grant money, there is an additional audit, based on the single audit act. There are lot of the requests being made that are being done by the auditor. In the past, was having a discussion if there is a place where there is a big problem. It is usually when there is some discrepancy. There is nothing to indicate something to worry about. Marie assumes the responsibly of verifying the voucher submitted. We've added the procurement administrator in our department which is another control that we have implemented. Many of these things are happening and it seems that it's not being understood.

LG – For now we want to move forward with the full audit and figure out what makes sense and where.

GS – When putting together the budget we predicated that expense on doing our normal audit. This isn't budgeted for so we need to find the funds by the end of the year.

BK – I have no objection of the full audit, especially with the new administration coming in

DK – Do you allow check requests outside of the normal purchasing process? That is a sign of potential abuse.

GS – There can be no checks cut that are not on the warrant. There was once in 4 years that we had to expedite a check but it still went through the approval process.

DK – Is there a lot of petty cash in the Town?

GS – We do not have petty cash as it is a pain to handle.

LG – To keep out of the weeds, but we want to do the full audit. We need to figure out internally and with the committee where the focus is.

SM – A lot of money is given back by the schools and the departments and there is also the \$75,000 reserve fund as well.

GS – If you are trying to look at the internal controls of the audit, it's like asking the auditor to tell you what's wrong.

MA – Looking at the budget calendar we have the Financial Summit on December 6th. We are trying go to for the GFOA budget book award. Our consultant says we are 70% there and we need to add our strategic goals and add performance measure as well.

We are working on a 5 year forecast as well as the Financial Trend Monitoring System and have the ready for the Financial Summit. We are working on a department wide policy and procedure process. It goes over everything we do in finance, it covers budgets, assessments, revenue collection, cash management, investments, operating expenses, financial policies, our accounting and financial reporting, risk mitigation and procurement.

PM – We are doing our fall open enrollment for Medicare Supplements for Seniors/retirees. We are training staff on local receipts and payroll exception entry. We are at 99.3% collection rate for FY23 first two tax bills. We did the Senior Tax payroll and had 36 people take part in that program and will go on their Q3 and Q4 tax bills. We filed our water liens and do that for people who are a year overdue. The Q3 and Q4 tax bills will be created and mailed once the tax rate is approved.

LG – I'm curious about houses that haven't paid taxes and what point do we have properties that would turn over to us if they hadn't paid.

GS – You have properties in tax titles and now some are in land court. It has been stagnated because of the pandemic. Once we get a judgement on the property we can move forward, but we expect it to be very little.

MA – You also have the land of low value. When parcels are combined, there are pieces that don't get pulled in and you could auction those off too.

LG – I could see there was a few little landlocked pieces on the list.

GS – Someone had said that taxes are high in Foxborough because nobody pays their taxes and as Paula just mentioned that we are at a 99%.

SM – Do you think some of the HR stuff that was bogging you down in finance will go to the new HR Director?

PM – We would have look at that once the new HR Director starts.

SM – I want to make sure that there is a succession plan, but we should be careful on how we speak about that process and automatically assuming who the next Finance Director would be. I don't think we should presume who it will be.

MA – We expect the job to be posted and go through the process.

GS – When asked what the succession plan, that is our plan.

LG – I don't think it's a promise, it's a succession plan.

GK – I think I made clear that it would be on the Board and I was speaking for you or the Town Manager.

BK – I don't think anyone is promising anything, it is important to note it is very hard to find people in finance. It's harder than a Town Manager process. One of the things we've [Board and Bill] talked about because it is so hard to find people is to create an opportunity to fill a position is to train your people internally so they can compete with those jobs successfully.

DK – its' always great when you have internal people who can step up into a role. I do agree with Stephanie, I wasn't comfortable fill the HR position without the Town Manager coming in and having a say. I think the finance director is an even more important position in the organization and the new town manager would want to have significant input.

ME – Don't forget that we are the ones who are hiring this position and we wanted to see succession plans and George followed through on that.

7. 8:05pm Town Manager's Update

7.1 Recruitment and New Hire update - We are interviewing 5 finalists on Thursday for the Human Resources Director position this Thursday.

7.2 General updates on Town business and operations

West Street Update - The contractor completed the bypass piping and has installed the coffer dam on the primary spillway culvert. Demolition of the existing culvert will take place over the remainder of this week. The new water main in the section of the dam (approximately 400') will be installed next week. National Grid is also scheduled to be on site next week to install 3 new utility poles. The contractor will be coordinating with NGrid to make sure both groups can work in the same space safely. The road is impassible until further notice.

We did work on development the annual town meeting budget process and starts on November 17th and goes until June 28th. We worked with Advisory Committee for their meeting times and spaces. We did submissions to MMA for the Kenneth Pickard Innovation Award and for Annual Town Report. Special Town Meeting will be January 30th with a February 13th snow day.

We need to have someone attend the SEMRECC Board meeting to vote to add a new community on November 15th.

Motion to appoint Dennis Keefe as the Select Board representative to vote at the SEMRECC Board meeting on November 15 regarding the addition of a new member to the SEMRECC district by D. Keefe 2nd by S. McGowan. Roll call vote: DK – Yes, LG – Yes, SM – Yes, ME – Yes. Approved, 4-0.

8. 8:15pm - Selectmen's Update

8.1 New Business – Bill spoke about the West Street Dam Update. There are signs out for the Elm Street Railroad work on 11/18-11/19. There is a new Bus Service to Logan from Mansfield MBTA Station. There is a Covid + Flu Clinic on Friday, 11/18 at Town Hall from 11:30am-3:30pm.

8.2 Old Business - Response to Vandenboom Citizen Input

LG – I do have something to read as my [and my response only] response to the Citizen's Input from Kathy Vandenboom at the October 25th Select Board meeting.

Dear Mr. and Mrs. VandenBoom,

Upon consultation with Town Counsel, the Zoning Board Chair, and Town professional staff, we have been advised to respect the application review process currently underway and the protocols established by the Zoning Board for the conduct of its hearing to avoid undermining the Zoning Board's statutory authority and subjecting the Town to potential appeals/legal exposure in this matter.

Therefore, in response to your comments during Citizen Input at the Board of Selectmen's October 25, 2022 meeting, we offer the following:

1. Matthew Brennan, R.S., Director of Public Health, will be onsite to monitor the upcoming drilling and testing activities relative to the subsurface assessment at 119 Morse Street. Environmental Partners, the Zoning Board's engineering consultant, will also be reviewing the results of this testing as the Board's professional peer review consultant. We deem this independent review to be adequate to assure the integrity of the site assessment process.
2. The Board of Selectmen has heard your concerns; however, with due recognition and respect for the Zoning Board's autonomy and its established hearing process, we do not deem it appropriate for the Board of Selectmen to interfere with the pending hearing proceedings.
3. As you are likely aware, there is a statutory appeal process available to aggrieved parties in the event that the decision of the Zoning Board, upon completion of the comprehensive permit hearing, is deemed to be unsatisfactory or legally deficient.

As always, we appreciate your comments and involvement in the public hearing process and I assure you that we, as a Board, will continue to monitor this matter carefully in the public interest.

Regards.

Leah Gibson, Chair, Foxborough Board of Selectmen

Kathy Vandenboom – I wanted to send you the AHC guidelines for the review of LIP programs. It says the involvement of the BOS in both the design and programmatic aspects of the proposals should continue throughout the process.

LG – They are public hearings and I have followed every hearing.

KV – The completeness of the application is also the first thing that is looked at. The ZBA should consult with the BOS if it is not complete.

LG – I had a meeting with Barney Ovrut, the ZBA Chair, to understand the concerns in your letter.

KV – If the Director of Public Health is attending, could we invite the BOH members as well. I was told in an email by Bill Casbarra that Environmental Partners will not be allowed on the property. I'm concerned where the holes are being selected with the drilling.

LG – I don't think we are not the best people to handle this.

KV – I don't know who to go to. I would like to see EP be able to choose the spots for drilling and if they aren't picked that the ZBA can ask why those spots are picked. I want to make sure there isn't contamination.

LG – There are a lot of intricacies and legalities to this process and I don't want to speculate.

BK – The Boards position here is very limited. I want to be very careful that it doesn't get drawn into a situation that is really the ZBAs area. This would reverse the process.

KV – I want this Board to continue its oversight and not being able to get answers prior to the drilling, it's a little bit uncomfortable.

LG – I understand so much more with the testing and would direct you to Barney Ovrut, the ZBA Chair, about this more in depth. I have spent hours in the last week understanding this better. I don't want to speak out of turn because this area isn't our expertise. I'm trying to be respectful of a board that we appoint to handle this and there is an appeals process on the decision and the legality. I understand your perspective and questions, I would ask you to understand that I don't want to answer something that I'm not sure and want to direct you to the right people.

KV – I wish that the environmental study was first on the agenda, there seems to be a time and cost constraint to get this done. When that happens we want to make sure that things are done thoroughly and not to check a box.

LG – Nobody wants anything to be built on something that is contaminated. I think this is happening early on in the process than it needs to. With that I will get you in touch with someone by the end of the week.

9. Action Items

9.1 Achilito's Taqueria - 2 One Day Beer and Wine License for 12/24/22 and 1/1/23

Motion to approve 2 One Day Beer and Wine Licenses for Achilito's Taqueria from 10:00am to 10:00pm on December 24, 2022 and January 1, 2023 by D. Keefe 2nd by S. McGowan.

SM – I was curious why it's until 10pm when they close at 7pm.

LG – I don't know that it matters and they are probably being safe to have the time to get the liquor out of there.

Roll call vote: DK – Yes, LG – Yes, SM – Yes, ME – Yes. Approved, 4-0.

9.2 Council on Aging - Accept \$1,000 donation from Louise Mittenberg to COA for trips and programs for seniors

Motion to accept a \$1,000 donation from Louise Mittenberg to Council on Aging for trips and programs for seniors by D. Keefe 2nd by S. McGowan.

Roll call vote: DK – Yes, LG – Yes, SM – Yes, ME – Yes. Approved, 4-0.

9.3 Historical District Commission - Appoint David Devine as an alternate member for a term to end 5/31/25

Motion to appoint David Devine as an alternate member for a term to end 5/31/25 by D. Keefe 2nd by S. McGowan.

Roll call vote: DK – Yes, LG – Yes, SM – Yes, ME – Yes. Approved, 4-0.

9.4 BOS - Approval of BOS Minutes from 10/25/22 meeting

Motion to approve the October 25, 2022 Board of Selectmen Meeting Minutes by D. Keefe 2nd by S. McGowan.

Roll call vote: DK – Yes, LG – Yes, SM – Yes, ME – Yes. Approved, 4-0.

10. Adjourn – 8:48pm

Motion to adjourn by D. Keefe 2nd by S. McGowan.

Roll call vote: DK – Yes, LG – Yes, SM – Yes, ME – Yes. Approved, 4-0.