

Tuesday, June 21, 2022
Board of Selectmen Meeting Minutes
Gala Room, Town Hall
7:00 p.m.

Members Present:

Stephanie McGowan, Vice Chair
Seth Ferguson, Clerk
Mark Elfman
Dennis Keefe*
(attended for agenda item 3 vote)

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 - Arthur Muldoon, Had a question about the new organizational chart.

SM – It was just for Town Meeting

AM- Has the search committee for the new town manager started yet?

SM – That has not started yet.

BK – The process will be through the Board of Selectmen. They will work with a consultant to begin the process.

AM – What are the qualifications to be on the search committee?

BK – Those have not been defined yet.

AM – How much time will the public have before that's approved and who is in charge of the search committee right now?

SM – Nobody has been on the Board since Bill was hired. The consultant company we hire will help us walk through those steps.

Eric Rosado – I am the vice chair of the Foxborough Founder's Day Planning Committee and on behalf of the committee and community, I would like to say thank you to the Board for their involvement and support for Founder's Day this year. Without the support of the Selectmen and the offices in town, it wouldn't have been as successful as it was and we hope to have your support next year.

2. 7:05pm Public Hearing: Earth Removal Permit Application by Bay Colony Group, Inc - 32 Cedar Street

2.1 Review and vote on an Earth Removal Permit Application for 32 Cedar Street, Bill Buckley of Bay Colony

BB – I'm representing Nic-co Building and have an Earth Removal Permit request for you. After reviewing the location on a map Bill presented a plan of the property and walked through the request for the earth removal. They want to take the lot and bring it down to the level of the properties next to the property line.

SM – As an overview for the public, this comes to the Selectmen per our bylaws, Conservation has no issues with this permit, you let us know where the earth would be going and answered my questions in your presentation.

SF – What is the history of this lot?

BB – This lot was created in the 1960s by a variance, the lot is vacant with home on either side of it. Nick Riccio has checked with the Building Commissioner to make sure the variance is in effect.

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

Motion to approve the Bay Colony Group, Inc application for an Earth Removal Permit to be exercised at 32 Cedar Street under the conditions set forth by the Board of Selectmen by S. Ferguson 2nd by M. Elfman. Approved, 3-0.

3. 7:10pm Public Hearing: Farmer's Pouring License - Shovel Town Brewery Jim McSherry and Frank Altieri

3.1 Review and vote on a Farmer's Pouring License Application for Station One by Shovel Town Brewery

JM – we've been working on this project for awhile. We are hoping to open sometime in the beginning of September.

SM – This seems pretty cut and dry and we've approved your pop-up last year and are good business owners in Easton. Katie, could you please explain this license as it is not one that we see often.

KL – The State gives a Farmer's Brewing license for beer, wine, and spirits, the Town as the local licensing authority gives the license to pour what they brew.

SF – I assume you have your own quality control process with brewing.

JM – There is nothing for the Board of Health to oversee with the brewing process. They will oversee the kitchen through the food permit.

FA – We are also under the jurisdiction of the FDA when manufacturing.

ME – I am considered an abutter, so I will be abstaining from the vote.

DK – I'm recall form the advisory committee these details and due diligence has been done by Shovel Town.

Motion to close the public hearing by S. Ferguson 2nd by S. McGowan.

Roll call vote ME – abstained, SM – Yes, SF – Yes, DK – Yes. Approved, 3-0-1.

Motion to approve the Farmers Pouring License for Malt, Wine, and Spirits for Shovel Town Brewery Inc. d/b/a Station One by Shovel Town Brewery by S. Ferguson 2nd by S. McGowan.

Roll call vote ME – abstained, SM – Yes, SF – yes, DK – Yes. Approved, 3-0-1.

3.2 Review and vote on a Common Victualler and Entertainment License Application for Station One by Shovel Town Brewery

Motion to approve the Common Victualler's and 7 Day Entertainment License for Shovel Town Brewery Inc. d/b/a Station One by Shovel Town Brewery by S. Ferguson 2nd by S. McGowan.

Roll call vote ME – abstained, SM – Yes, SF – yes, DK – Yes. Approved, 3-0-1.

4. 7:15pm Use of Public Way Application - The GatherInn of Stance Lowrider Car Show

4.1 Review and vote on Use of Public Way Application for Lowrider Car Show on July 3rd from 1-5pm on 10 Annette Road – Nick Cosentino

NC – We are looking to host a get together for our friends and vendors and make sure that we doing everything and checking all the boxes.

SM – You've done everything you need to and will have about 300 people there with a police detail. The Health Department will have to issue permits any of the food vendor that you have. Where are you located and where will the parking be?

NC – We are where the old MOMS used to be and there an Answer is Fitness and it's a T-shape. It's a straight road with 2 cul de sacs. We'll have the show cars on our property and our side of the street. Allowing spectators to parallel park on the other side and we've cleared additional space for spectator parking.

SF – Is it a through way?

NC – It's a dead end by a business park.

Motion to approve the Use of Public Way Application for Lowrider Car Show on July 3rd from 1-5pm on 10 Annette Road by S. Ferguson 2nd by M. Elfman. Approved, 3-0.

5. 7:20pm Citation for Eric Arvedon

Presentation of Citation to Eric Arvedon for his 31 years of service on the Board of Health. Rep. Barrows and Sen. Feeney also presented citations to Mr. Arvedon for his service to the Town.

6. 7:25pm State House Update from Rep. Jay Barrows & Sen. Paul Feeney

6.1 Rep. Jay Barrows & Sen. Paul Feeney to give update on current issues and policy impacting and relevant to Foxborough

JB – Good evening, we wanted to give you an update on what we are doing and what we are working on together. We're working on the ARPA funding on the state level and try to make sure that Foxborough gets a piece of that. The State House is beginning to pick up their pace as our session will end at the end of July. Every bill that has been filed the past 18 months has to be disposed of or vote on one way or the other. I wish that House and Senate got along as well as we did. Both of us meet regularly with the Administration and are on the phone several times a week. Paul is going to go over some of the budget issues and

PF – We speak with the team in the Town Manager's office quite frequently. We are in the second year of a 2-year session. We've had hundreds/thousands of bills to get done. There are a few things that we know we have to get done, like the general appropriate funds. We meet with several groups and look at the receipts and come up with a consensus revenue. Even if we see that we are doing better, we still remain conservative. It's a 2.7% increase of unrestricted local aid (cherry sheet).

Happy to report we are fully funding our education which funds the charter school and transportation. The big point on the state budget is the fund our stabilization fund. It's very important to us to maintain our bond rating and borrow at the best terms. We were able to fund that at \$6.74 billion which is a higher than its ever been and will helps to weather the storm that we see might be coming. All the economists are that we are facing a recession next year. For Foxborough we try to look for opportunities when able to make sure we are funding local priorities/ earmarks for our district. The reason we do that is because we know our communities best and we as leaders know our areas best and know our priorities. This year working with Paige Duncan, we are able to get an earmark for \$50k for Uptown Foxborough for the parking lots and maybe some outdoor dining.

Other highlights are that Foxborough has taken the lead on this for many years and making sure we get 100% tuition reimbursement. The ARPA funding we looked at the need for healthcare, housing, unemployment and we used it for premium pay for essential workers.

We have the FORWARD Bill and the Governor filed the bill as a bond bill and used ARPA funds. Bonding is different than appropriation. On a bonding bill we approve the borrowing, and it only gets released if the Governor approves the funding. The Governor's bill on the FORWARD Act means a lot to Foxborough. The House leadership took a different position and left a skinny bond bill and left the ARPA out. We think if it comes before us to reinsert some of that spending.

JB – We don't want to put it in to something that we aren't sure of an appropriation. After years of negotiation we go the property from the state. We are working to get sewer and to rectify the dangerous intersection on Walnut and Route 140 and add affordable housing and meets the needs of the community. We have been advocating with Auchincloss' office as well and the transportation investment plan and moves it up the way.

BK – The good news you are working together and you work together for us.

JB – We also want to look into funding for a heat program for seniors.

PF – We are looking at tax package that should come before us but we haven't seen it yet. I voted to suspend the gas tax. There is a real effect with the gas prices and formula shortages. Which prevents them from spending money on going out to eat or going to Patriot Place. We do have money that can be spend but can we figure out a way for us to come together to advocate for Foxborough and our districts.

BK – Earlier today we received notification from the Governor's office will be out here next Wednesday and the Lt. Gov. Polito and Sec. Keneally.

ME – That checks off a lot of boxes that the state wants and what we want - housing, safety, etc.

JB – We are looking forward to working with Greg Spier and the housing authority. I was at a MAPC meeting. We need to be shovel ready so we can strike when the funding comes and they are ready.

PF – In Foxborough, we are proud that when these projects happens we get outreach from all different organizations. We are using best practices from Foxborough in other towns in the Commonwealth. We have a bill coming up in the Senate and have the Chief call us and talk about it. We are proud that Fox is doing a lot of things right.

SF – Paige brought something to us which was state mandated housing units for the MBTA Housing Bill and that with everything we need to do around town the requirements were concerning.

JB – There is a ton of concern in its draft form and the density they want is not imaginable. We are advocating the same, it's too much in the length of time. We should see some change in that and will see the administration change as well.

SM – We are grateful for everything you are doing and want to be diverse and have housing for those who need it while maintaining that small-town charm.

PF – We've looked at changing it from super majority to majority vote at town meeting because it's hard to get. There is now doubt we are in a housing crisis. The Governor's approach is doing all the little things we can do to help but that has been a challenge to get all those things done. Bill has been a leader on that and making sure we can advocate for that effectively. The administration is going to decide on how they are going to enforce it. It is a struggle and we just have to work to try and get as much housing as possible.

JB – It will be interesting with the economy with increasing interest rates what will that do to the value of homes. The other side of the coin is the building a new home with the cost of good has increased as well. It needs to be a longer period of time and it needs to be less for suburban areas such as Foxborough.

ME – We are very lucky to have you guys and that you work together for us and our community.

SM – You both are present and active in this community and it is greatly appreciated.

PF – In addition to the town staff that deserves accolades, our legislative staff make us look good.

JB – It's an honor and privilege to serve and thanks for running and being on the Board.

BK – Any update on Civil Service?

JB – It will hopefully come up shortly.

PF – The joint committee on public service. The committee on public service has taken a different approach this year. We had this Commission that . We need to know from the community what your plan is for diversity and veteran. As long as we know you're doing that you'll be fine. At this point we are getting close to being under the gun and Jay and I will try to get it done before the last day of session.

BK – We have a plan and can provide that for you.

7. 7:50pm Outdoor Off Hours Work Request - Gillette Stadium - Greg Gagnon, Suffolk Construction

7.1 Review and vote on the Outdoor Off Hours Work Request to extend to 11pm through the end of October for the Gillette Stadium North End Zone

GG – We would like to extend hours of construction to 7pm to 11pm. It would be work for structural steel erection, soil excavation, demolition of existing retaining walls and installation of retention wall and miscellaneous concrete pours.

MG – Their current permit is for 7am to 7pm. They have asked for an extension to stay on schedule for 2023 opening. The winter in New England also can impose some unknowns as this is the time to do it.

ME – What is that noise level going to be?

GG – The loudest it would be is some hammer against steel. You would be hearing the humming sound of an excavator running and the sounds of cranes moving. When we are digging its no different than hearing a truck driving by if you're near the stadium.

SM – I understand the need to get as much work as possible to get it done and you have a work flow?

MG – We met with departments to have a workflow to deal with complaints. Complaints go to police, then to the Building Commissioner. Suffolk has already outlined they will do noise test within the reasonable level and maintain that and not exceed that. They built a lot of internal safe guards as well with the Building commissioner and on-site safety with permits we look for traffic. Noise would be our biggest challenge.

ME – The noise jumped out at me and I want to make sure that if there is a noise complaint and it's louder than normal, it should be taken care of quickly.

BK – That was discussed today and Suffolk is supportive of this and are happy to cooperate with us. They will shut off the noise when it's excessive and the Board of Health will then go out and investigate. The Chief is the point of response per the by-law but we are working as a team. We have done this back for 2017 for Building K. We had no issues or concerns and is very similar to what is being proposed here, it is just bigger in scale.

SM – Is there certain things you can do that will be louder done earlier in the day to mitigate the noise?

GG – Yes, so if jack hammering can be done during the day and then the clearing out from 7pm-11pm.

ME – SEMRECC is involved with this as well.

MG – I will work with Rob and his staff on those calls and Scott Shippey will take those calls.

BK – This will be for Monday through Friday only. We are concerned for Saturdays and would come back after 30 days if its necessary and if its going well, we can revisit it then.

ME – Any noise complaints so far?

MB – Cameron has been going into the community to get baseline noises during construction, games, concerts, etc., and we're confident that if an issue comes up we'll be able to respond. We'll be in touch with Suffolk if an issue comes up and we'll work with them to rectify it.

Motion to approve the Outdoor Off Hours Work Request for the Gillette Stadium North End Zone under the conditions set forth by the Foxborough Police Chief and Board of Selectmen by S. Ferguson 2nd by M. Elfman. Approved, 3-0.

8. 8:00pm SEMRECC - Review and vote on updated governance agreement Robert Verdonne, Executive Director

8.1 Review and vote the updated SEMRECC governance agreement to allow additional communities to join SEMRECC

BK – The other 3 SEMRECC towns voted last week to approve these changes. These are administrative changes as well as the ability to expand to include other communities. We are at the point where we can expand successfully.

RV- We met to considered amendments to our governance agreement(IMA). Its time for us to look at expansion with several interested communities which is nod to the success of SEMRECC. Because we wrote this agreement in 2017, the IMA needs to be updated to the way we do business. The State is really pushing to to take it from 290 9-1-1 centers down to a level that is responsive to the needs of the Commonwealth. As a look inwards, if we don't expand our budget our costs will go up. We'll have increased cost and if we don't get more grants and/or dilute the share amongst the communities the cost will go up per community. If we increase that will increase our grant funding and decrease the cost per community. We don't have a huge window do this because other communities IMA amendments have been updated to modernize and conform language to current terminology. The Board of Directors would expand to 7 seats with 2 seats with communities representative and 1 at-large with an election between the unrepresented community. Each community will have 2 seats on the finance committee. The Assessment would be retained for the current communities and any new city or town assessed on impact. The process for admitting a new committee would be negotiated by the Director and presented to the Board for consideration. A special meeting would be held to admit or reject a community. The current communities will be notified of each new possible admitted city/town.

SM – It still says that the regional communcaitions is in Mansfield.

RV - That was done in Amendment 1 and we'll do a re-draft of the IMA to include all the amendments.

SM – After seeing the facility, I can visualize how the other communities will fit in as well.

Motion to approve the amended district agreement for SEMRECC as proposed by S. Ferguson 2nd by M. Elfman. Approved, 3-0.

RV – Today we received over \$6 million in FY23 grant funding towards debt services towards the building construction project and \$3 million for our records management system which is at end of life. We are partnering with Regional Old Colony center and that provides us with a lot of cost savings. The Town of Norwood has formally requested to join and other communities are in various stages of feasibility to join. Now that this is settled we can have that meeting with them now to further along that process.

BK – By combining to SEMRECC instead of improving our system on our own we saved millions of dollars by creating SEMRECC.

ME – Who is the liaison for when you have an interested town that wants to join?

RV – Either I or Deputy Director will meet and make sure that it's a good fit on both ends and make sure they are good fit for us and us for them.

9. 8:20pm Town Manager Goal Discussion 9.1 Review and discuss proposed FY23 Town Manager Goals

SF – There was work done to slim down the list of Goals from the 30 and just sort of table stakes. We wanted to focus on things that were new, refined for the new year, and added on the past year through our meetings. We asked for 360 review and financial trend monitoring. This is how we came to this shorter more concise list. The other thing to implement would be to measure results against the goals. If 2023 is the first year we can measure then we can measure against a baseline. Looking for thoughts and input.

SM – Does your truck binder have a list of what the ongoing projects are?

BK - The Truck Binder is the operational aspects of the job. This is defined by the Special Act and then I go in and explain what those things are. The TMO is the primary office for federal, state, and community leaders for the Town. The project list is defined by the goals list. The communications plan was marked low on the review but a deliverable wasn't defined by the goal of a deliverable. Looking at the expectation and results for the goals are so the new TM will know what they need to deliver.

SM – This would be deliverable for this year for the person who would take over for you.

BK – It would be a transitional goal to make sure I leave it in good order.

SF – Is there anything with Bill's Goals or that the Board added that you have any questions on?

SM – Glad that we pulled some of those goals as they seemed more of a department head goal.

SF- As an example, provide guidance on the FTMS and we have John Coderre coming in and just wanted to note on the big-ticket items.

10. 8:30pm Assistant Town Manager's Update

New hires - Public Health Food Inspector Paul Gilpin started this week and Public Health Housing Inspector Clifford Pierre will be starting next week and this is grant funded through the Bristol Norfolk Public Health Collaborative. Our Collections Coordinator is still open and will be filled by tomorrow hopefully. We still have a laborer driver and part time teen librarian also.

Over the last couple of years, we've had the Board ask why we aren't paying minimum wage and took advantage that. We are now in the position where we can't do that because we are paying lower than other surrounding towns paying minimum wage. The Personnel Board voted to raise the minimum to the state minimum wage of \$14.25.

SM – The raise was approved today?

MJ – Bill can make that decision, but anytime we have something that affects non-union we take to the Personnel Board. They were in unanimous support to raise the minimum wage.

SF – This decision can be made by the Special Act/TM Act? [Yes] I think these decisions come to the Board after the fact and I think we should change the way we approach that.

ME – This was made in 2002 to take some of the burden of the minutiae off the Board of Selectmen.

SF – I think that is a significant policy change that the BOS should be involved in with all the other agenda items we approve.

BK – That decision has not been made. We sent it to the Personnel Board and they come back to me with that decision.

SF – So you make that decision? I think we should be making that decision.

MJ – Those positions discussed were only seasonal positions and the library page position. It doesn't affect any union position.

SM – I wish there was something in the middle so we could be notified.

ME – It is timely that we look at the charter.

SM – What makes municipalities exempt from minimum wage?

BK – I'm not sure but it was included in legislation when first approved. The world has change and we needed to increase it in order to attract employees.

11. 8:40pm Town Manager's Update

11.1 General updates on Town business and operations – I was just notified that Alice Noonan passed away this afternoon and is the matriarch of the Noonan family who is the mother of Deputy Police Chief Richard Noonan, retired Fire Captain Ed Noonan, and retired Recreation Director Deb Giardino and we send our condolences to the entire family.

The Kraft Group have been working on getting a few events and we are happy to report that we are the site of the 2023 Army/Navy Game next December. We have also been chosen as a host city for FIFA World Cup in 2026. These are significant achievements for the Kraft Group and the Town as well.

11.2 RFQ Process for Town Manager Search – that will begin in July to start searching for a firm. There are around 5 firms I'm aware of that could apply for this position. Each are talented and capable to do this job. This Board has not been involved in that and so a consultant will be able to guide you in the process. We'll have that in July so you can look and start the process in August.

11.3 Year End Transfers – this year was significant more so than other years. We had several people leave the organization this year, 7 firefighters along with other retirements, fuel was a significant cost. We had IT costs, equipment costs, and unemployment costs.

SM – If we know somebody is going to retire, do you budget the payout?

BK – You don't know if someone could retire early. Up until the recent contract amendments we didn't have advance noticed. We didn't use any money out of the reserve fund this year. This minimizes the impact on the Advisory Committee. I can make through the state statute and wanted to share them with you.

12. 8:50pm - Selectmen's Update

12.1 New Business - Sweetness & Honey Bakery opening June 26th, Army/Navy Game December 9, 2023 at Gillette.

12.2 Old Business - Founder's Day was a great day, shout out to Scott O'Donnell and the committee. We had a bigger crowd than pre-Covid attendance.

ME – The Fireworks were awesome on Founder's Day. The fire demonstration was great as well. IT was really cool to see the tank.

SF – Founder's Day is one of the coolest things about living in this town.

SM – Tomorrow afternoon the Patriots and Patriots alumni will holding a non-contact football clinic tomorrow. Registration starts at 3:30, event starts at 4:00pm and a meal will happen at 6:00pm tomorrow.

13. Action Items

13.1 Block Party Application - Approval of Block Party at 22 Foxhill Road by applicant Matthew Riportella

Motion to approve a Block Party application at 22 Foxhill Road on July 9 from 10:00am to 6:00pm by applicant Matthew Riportella by S. Ferguson 2nd by M. Elfman. Approved, 3-0.

13.2 BOS - Appoint Associate Planning Member & Audit Committee representatives for the Board of Selectmen

Motion to appoint Thomas Murphy as an Associate Planning Board member for a term to expire 5/31/23 by S. Ferguson 2nd by M. Elfman. Approved, 3-0.

Motion to appoint Dennis Keefe to the Audit Committee by S. Ferguson 2nd by M. Elfman. Approved, 3-0.

14. Adjourn – 9:23pm

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